

109TH CONGRESS  
2D SESSION

# S. 2545

To establish a collaborative program to protect the Great Lakes, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 5, 2006

Mr. DEWINE (for himself, Mr. LEVIN, Ms. STABENOW, Mr. VOINOVICH, Mrs. CLINTON, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To establish a collaborative program to protect the Great Lakes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Great Lakes Collaboration Implementation Act of 2006”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings.  
Sec. 3. Definitions.

TITLE I—INVASIVE SPECIES

### Subtitle A—Aquatic Invasive Species

- Sec. 101. Short title.
- Sec. 102. Definitions.
- Sec. 103. Prevention of introduction of aquatic invasive species into waters of the United States by vessels.
- Sec. 104. Armed services whole vessel management program.
- Sec. 105. Priority pathway management program.
- Sec. 106. Screening process for planned importations of live aquatic organisms.
- Sec. 107. Early detection.
- Sec. 108. Rapid response.
- Sec. 109. Environmental soundness.
- Sec. 110. Information, education, and outreach.
- Sec. 111. Ecological and pathway research.
- Sec. 112. Analysis.
- Sec. 113. Dissemination.
- Sec. 114. Technology development, demonstration, and verification.
- Sec. 115. Research to support the setting and implementation of ship pathway standards.
- Sec. 116. Research in systematics and taxonomy.
- Sec. 117. State programs.
- Sec. 118. Program coordination.
- Sec. 119. International coordination.
- Sec. 120. Authorization of appropriations.
- Sec. 121. Conforming amendments.

### Subtitle B—Asian Carp Prevention and Control

- Sec. 125. Addition of species of carp to the list of injurious species that are prohibited from being imported or shipped.
- Sec. 126. Dispersal barriers.

### Subtitle C—National Invasive Species Council

- Sec. 131. Definitions.
- Sec. 132. Limitation on Federal actions.
- Sec. 133. National Invasive Species Council.
- Sec. 134. Duties.
- Sec. 135. National Invasive Species Management Plan.
- Sec. 136. Invasive Species Advisory Committee.
- Sec. 137. Budget analysis and summary.
- Sec. 138. Existing executive order.
- Sec. 139. Authorization of appropriations.

## TITLE II—HABITAT AND SPECIES

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Definitions.
- Sec. 204. Identification, review, and implementation of proposals.
- Sec. 205. Goals of United States Fish and Wildlife Service Programs related to Great Lakes fish and wildlife resources.
- Sec. 206. Establishment of offices.
- Sec. 207. Reports.
- Sec. 208. Authorization of appropriations.

## TITLE III—COASTAL HEALTH

- Sec. 301. Technical assistance.
- Sec. 302. Sewer overflow control grants.
- Sec. 303. Water pollution control revolving loan funds.
- Sec. 304. Allotment of funds.
- Sec. 305. Authorization of appropriations.

#### TITLE IV—AREAS OF CONCERN

- Sec. 401. Great Lakes.

#### TITLE V—TOXIC SUBSTANCES

- Sec. 501. Mercury reduction grants.

#### TITLE VI—INDICATORS AND INFORMATION

##### Subtitle A—Research Program

- Sec. 601. Research reauthorizations.
- Sec. 602. Great Lakes Science Center.
- Sec. 603. Great Lakes Environmental Research Laboratory.

##### Subtitle B—Ocean and Coastal Observation System

- Sec. 611. Definitions.
- Sec. 612. Integrated ocean and coastal observing system.
- Sec. 613. Research, development, and education.
- Sec. 614. Interagency financing.
- Sec. 615. Application with Outer Continental Shelf Lands Act.
- Sec. 616. Authorization of appropriations.
- Sec. 617. Reporting requirement.

##### Subtitle C—Great Lakes Water Quality Indicators and Monitoring

- Sec. 621. Great Lakes water quality indicators and monitoring.

#### TITLE VII—SUSTAINABLE DEVELOPMENT

- Sec. 701. Waterfront restoration and remediation projects.
- Sec. 702. Authority of Secretary to restore and remediate waterfront and related areas.
- Sec. 703. Authorization of appropriations.

#### TITLE VIII—COORDINATION AND OVERSIGHT

- Sec. 801. Definitions.
- Sec. 802. Great Lakes Interagency Task Force.
- Sec. 803. Executive Committee.
- Sec. 804. Great Lakes Regional Collaboration.

## 1 SEC. 2. FINDINGS.

2 Congress finds that—

1           (1) the Great Lakes, containing approximately  
2           20 percent of the Earth’s fresh surface water, are a  
3           treasure of global significance;

4           (2) the Great Lakes provide drinking water for  
5           millions of people, facilitate commerce, and provide  
6           recreational opportunities for people from across the  
7           United States and around the world;

8           (3) renewed efforts and investments are critical  
9           to aid in meeting the goals and objectives of the  
10          Great Lakes Water Quality Agreement between the  
11          United States and Canada;

12          (4) in a report issued in December 2005, a  
13          group of leading scientists from top institutions in  
14          the Great Lakes area found that—

15                (A) the Great Lakes are on the brink of an  
16                ecologic catastrophe;

17                (B) the primary stressors straining the  
18                health of the Great Lakes are—

19                   (i) toxic chemicals;

20                   (ii) overloading of human waste and  
21                   urban and agricultural runoff;

22                   (iii) physical changes to the shorelines  
23                   and wetlands;

24                   (iv) invasive plant and animal species;

25                   (v) changes in water patterns; and

1 (vi) overfishing;

2 (C) the deterioration of the Great Lakes  
3 ecosystem is accelerating dramatically; and

4 (D) if the pattern of deterioration is not  
5 reversed immediately, the damage could be ir-  
6 reparable;

7 (5) as a result of the stressors described in  
8 paragraph (4)(B)—

9 (A) over 1,800 beaches were closed in  
10 2003;

11 (B) Lake Erie has developed a 6,300  
12 square mile dead zone that forms every sum-  
13 mer;

14 (C) zebra mussels, an aquatic invasive spe-  
15 cies, cause \$500,000,000 per year in economic  
16 and environmental damage in the Great Lakes;

17 (D) there is no appreciable natural repro-  
18 duction of lake trout in the lower 4 Great  
19 Lakes; and

20 (E) wildlife habitats have been destroyed,  
21 which has diminished fishing, hunting, and  
22 other outdoor recreation opportunities in the  
23 Great Lakes;

24 (6) because of the patchwork approach to fixing  
25 the problems facing the Great Lakes, the problems

1 have not only persisted in, but have also gotten  
2 worse in some areas of, the Great Lakes;

3 (7) rather than dealing with 1 problem or loca-  
4 tion of the Great Lakes at a time, a comprehensive  
5 restoration of the system is needed to prevent the  
6 Great Lakes from collapsing;

7 (8) in December 2004, work began on the  
8 Great Lakes Regional Collaboration, a unique part-  
9 nership that was—

10 (A) formed for the purpose of developing a  
11 strategic action plan for Great Lakes restora-  
12 tion; and

13 (B) composed of—

14 (i) key members from the Federal  
15 Government, State and local governments,  
16 and Indian tribes; and

17 (ii) other stakeholders;

18 (9) over 1,500 people throughout the Great  
19 Lakes region participated in this collaborative proc-  
20 ess, with participants working on 1 or more of the  
21 8 strategy teams that focused on different issues af-  
22 fecting the Great Lakes basin;

23 (10) the recommendations of the Great Lakes  
24 Regional Collaboration, which was released on De-  
25 cember 12, 2005, identify actions to address the

1 issues affecting the Great Lake basin on the Fed-  
2 eral, State, local, and tribal level; and

3 (11) comprehensive restoration must be adapt-  
4 ive, and ongoing efforts will be required to contin-  
5 ually implement the recommendations of the Great  
6 Lakes Regional Collaboration as the recommenda-  
7 tions relate to buffers, river restoration, wetlands,  
8 emerging toxic pollutants, and other issues affecting  
9 the Great Lakes basin.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) ADMINISTERING AGENCIES.—The term “ad-  
13 ministering agencies” means—

14 (A) the National Oceanic and Atmospheric  
15 Administration (including the Great Lakes En-  
16 vironmental Research Laboratory);

17 (B) the Smithsonian Institution (acting  
18 through the Smithsonian Environmental Re-  
19 search Center); and

20 (C) the United States Geological Survey.

21 (2) ADMINISTRATOR.—The term “Adminis-  
22 trator” means the Administrator of the Environ-  
23 mental Protection Agency.

24 (3) AQUATIC ECOSYSTEM.—The term “aquatic  
25 ecosystem” means a freshwater, marine, or estuarine

1 environment (including inland waters, riparian  
2 areas, and wetlands) located in the United States.

3 (4) BALLAST WATER.—The term “ballast  
4 water” means any water (with its suspended matter)  
5 used to maintain the trim and stability of a vessel.

6 (5) INVASION.—The term “invasion” means the  
7 introduction and establishment of an invasive species  
8 into an ecosystem beyond its historic range.

9 (6) INVASIVE SPECIES.—The term “invasive  
10 species” means a species—

11 (A) that is nonnative to the ecosystem  
12 under consideration; and

13 (B) whose introduction causes or may  
14 cause harm to the economy, the environment, or  
15 human health.

16 (7) INVASIVE SPECIES COUNCIL.—The term  
17 “Invasive Species Council” means the council estab-  
18 lished by section 3 of Executive Order No. 13112  
19 (42 U.S.C. 4321 note).

20 (8) PATHWAY.—The term “pathway” means 1  
21 or more routes by which an invasive species is trans-  
22 ferred from 1 ecosystem to another.

23 (9) SPECIES.—The term “species” means any  
24 fundamental category of taxonomic classification or



1 any viable biological material ranking below a genus  
2 or subgenus.

3 (10) TASK FORCE.—The term “Task Force”  
4 means the Aquatic Nuisance Species Task Force es-  
5 tablished by section 1201(a) of the Nonindigenous  
6 Aquatic Nuisance Prevention and Control Act of  
7 1990 (16 U.S.C. 4721(a)).

8 (11) TYPE APPROVAL.—The term “type ap-  
9 proval” means an approval procedure under which a  
10 type of system is certified as meeting a standard es-  
11 tablished pursuant to Federal law (including a regu-  
12 lation) for a particular application.

# 13 **TITLE I—INVASIVE SPECIES**

## 14 **Subtitle A—Aquatic Invasive**

## 15 **Species**

### 16 **SEC. 101. SHORT TITLE.**

17 This subtitle may be cited as the “National Aquatic  
18 Invasive Species Act of 2006”.

### 19 **SEC. 102. DEFINITIONS.**

20 Section 1003 of the Nonindigenous Aquatic Nuisance  
21 Prevention and Control Act of 1990 (16 U.S.C. 4702) is  
22 amended to read as follows:

### 23 **“SEC. 1003. DEFINITIONS.**

24 “In this Act:

1           “(1) ADMINISTRATOR.—The term ‘Adminis-  
2           trator’ means the Administrator of the Environ-  
3           mental Protection Agency.

4           “(2) AQUATIC ECOSYSTEM.—The term ‘aquatic  
5           ecosystem’ means a freshwater, marine, or estuarine  
6           environment (including inland waters, riparian  
7           areas, and wetlands), located in the United States.

8           “(3) ASSISTANT SECRETARY.—The term ‘As-  
9           sistant Secretary’ means the Assistant Secretary of  
10          the Army for Civil Works.

11          “(4) BALLAST WATER.—The term ‘ballast  
12          water’ means any water (with its suspended matter)  
13          used to maintain the trim and stability of a vessel.

14          “(5) BEST PERFORMING TREATMENT TECH-  
15          NOLOGY.—The term ‘best performing treatment  
16          technology’ means the ballast water treatment tech-  
17          nology that is, as determined by the Secretary—

18                 “(A) the most biologically effective;

19                 “(B) the most environmentally sound; and

20                 “(C) suitable, available, and economically  
21          practicable.

22          “(6) COASTAL VOYAGE.—The term ‘coastal voy-  
23          age’ means a voyage conducted entirely within the  
24          exclusive economic zone.

1           “(7) DIRECTOR.—The term ‘Director’ means  
2           the Director of the United States Fish and Wildlife  
3           Service.

4           “(8) ENVIRONMENTALLY SOUND.—The term  
5           ‘environmentally sound’, refers to an activity that  
6           prevents or reduces introductions, or controls infes-  
7           tations, of aquatic invasive species in a manner that  
8           minimizes adverse effects on—

9                   “(A) the structure and function of an eco-  
10                  system; and

11                  “(B) nontarget organisms and ecosystems.

12           “(9) EXCLUSIVE ECONOMIC ZONE.—The term  
13           ‘exclusive economic zone’ means the area comprised  
14           of—

15                   “(A) the Exclusive Economic Zone of the  
16                  United States established by Proclamation  
17                  Number 5030, dated March 10, 1983; and

18                   “(B) the equivalent zones of Canada and  
19                  Mexico.

20           “(10) EXISTING VESSEL.—The term ‘existing  
21           vessel’ means any vessel that enters service on or be-  
22           fore December 31, 2007.

23           “(11) GREAT LAKES.—The term ‘Great Lakes’  
24           means—

25                   “(A) Lake Erie;

1                   “(B) Lake Huron (including Lake Saint  
2 Clair);

3                   “(C) Lake Michigan;

4                   “(D) Lake Ontario;

5                   “(E) Lake Superior;

6                   “(F) the connecting channels of those  
7 Lakes, including—

8                   “(i) the Saint Mary’s River;

9                   “(ii) the Saint Clair River;

10                  “(iii) the Detroit River;

11                  “(iv) the Niagara River; and

12                  “(v) the Saint Lawrence River to the  
13 Canadian border; and

14                  “(G) any other body of water located with-  
15 in the drainage basin of a Lake, River, or con-  
16 necting channel described in any of subpara-  
17 graphs (A) through (F).

18                  “(12) GREAT LAKES REGION.—The term ‘Great  
19 Lakes region’ means the region comprised of the  
20 States of Illinois, Indiana, Michigan, Minnesota,  
21 New York, Ohio, Pennsylvania, and Wisconsin.

22                  “(13) INDIAN TRIBE.—The term ‘Indian tribe’  
23 has the meaning given the term in section 4 of the  
24 Indian Self-Determination and Education Assistance  
25 Act (25 U.S.C. 450b).

1           “(14) INTERBASIN WATERWAY.—The term  
2           ‘interbasin waterway’ means a waterway that con-  
3           nects 2 distinct water basins.

4           “(15) INTERNATIONAL JOINT COMMISSION.—  
5           The term ‘International Joint Commission’ means  
6           the commission established by article VII of the  
7           Treaty relating to boundary waters and questions  
8           arising along the boundary between the United  
9           States and Canada, signed at Washington on Janu-  
10          ary 11, 1909 (36 Stat. 2448; TS 548).

11          “(16) INTRODUCTION.—The term ‘introduction’  
12          means the transfer of an organism to an ecosystem  
13          outside the historic range of the species of which the  
14          organism is a member.

15          “(17) INVASION.—The term ‘invasion’ means  
16          the introduction and establishment of an invasive  
17          species into an ecosystem beyond its historic range.

18          “(18) INVASIVE SPECIES.—The term ‘invasive  
19          species’ means a species—

20                 “(A) that is nonnative to the ecosystem  
21                 under consideration; and

22                 “(B) whose introduction causes or may  
23                 cause harm to the economy, the environment, or  
24                 human health.

1           “(19) INVASIVE SPECIES COUNCIL.—The term  
2           ‘Invasive Species Council’ means the interagency  
3           council established by section 3 of Executive Order  
4           No. 13112 (42 U.S.C. 4321 note).

5           “(20) NEW VESSEL.—The term ‘new vessel’  
6           means any vessel that enters service on or after Jan-  
7           uary 1, 2008.

8           “(21) NONINDIGENOUS SPECIES.—The term  
9           ‘nonindigenous species’ means any species in an eco-  
10          system the range of which exceeds the historic range  
11          of the species in that ecosystem.

12          “(22) ORGANISM TRANSFER.—The term ‘orga-  
13          nism transfer’ means the movement of an organism  
14          of any species from 1 ecosystem to another eco-  
15          system outside the historic range of the species.

16          “(23) PATHWAY.—The term ‘pathway’ means 1  
17          or more routes by which an invasive species is trans-  
18          ferred from 1 ecosystem to another.

19          “(24) PLANNED IMPORTATION.—The term  
20          ‘planned importation’ means the purposeful move-  
21          ment of 1 or more nonindigenous organisms for use  
22          in the territorial limits of the United States.

23          “(25) REGIONAL PANEL.—The term ‘regional  
24          panel’ means a panel convened in accordance with  
25          section 1203.

1           “(26) SECRETARY.—The term ‘Secretary’  
2 means the Secretary of Homeland Security.

3           “(27) SPECIES.—The term ‘species’ means any  
4 fundamental category of taxonomic classification or  
5 any viable biological material ranking below a genus  
6 or subgenus.

7           “(28) SPECIES IN TRADE.—The term ‘species  
8 in trade’ means a species that has a documented his-  
9 tory of being commercially imported into the United  
10 States in the period beginning on January 1, 1990,  
11 and ending on January 1, 2002.

12           “(29) TASK FORCE.—The term ‘Task Force’  
13 means the Aquatic Nuisance Species Task Force es-  
14 tablished by section 1201(a).

15           “(30) TERRITORIAL SEA.—The term ‘territorial  
16 sea’ means the belt of the sea measured from the  
17 baseline of the United States determined in accord-  
18 ance with international law, as set forth in Presi-  
19 dential Proclamation Number 5928, dated December  
20 27, 1988.

21           “(31) TREATMENT.—The term ‘treatment’  
22 means a mechanical, physical, chemical, biological,  
23 or other process or method of killing, removing, or  
24 rendering inviable organisms.

1           “(32) TYPE APPROVAL.—The term ‘type ap-  
 2           proval’ means an approval procedure under which a  
 3           type of system is certified as meeting a standard es-  
 4           tablished pursuant to Federal law (including a regu-  
 5           lation) for a particular application.

6           “(33) UNDER SECRETARY.—The term ‘Under  
 7           Secretary’ means the Under Secretary of Commerce  
 8           for Oceans and Atmosphere.

9           “(34) UNDESIRABLE IMPACT.—The term ‘unde-  
 10          sirable impact’ means economic, human health, aes-  
 11          thetic, or environmental degradation that is not nec-  
 12          essary for, and is not clearly outweighed by, public  
 13          health, environmental, or welfare benefits.

14          “(35) WATERS OF THE UNITED STATES.—

15               “(A) IN GENERAL.—The term ‘waters of  
 16               the United States’ means the navigable waters  
 17               and territorial sea of the United States.

18               “(B) INCLUSION.—The term ‘waters of the  
 19               United States’ includes the Great Lakes.”.

20 **SEC. 103. PREVENTION OF INTRODUCTION OF AQUATIC**  
 21 **INVASIVE SPECIES INTO WATERS OF THE**  
 22 **UNITED STATES BY VESSELS.**

23           (a) IN GENERAL.—Section 1101 of the Nonindige-  
 24           nous Aquatic Nuisance Prevention and Control Act of  
 25           1990 (16 U.S.C. 4711) is amended to read as follows:



1 **“SEC. 1101. PREVENTION OF INTRODUCTION OF AQUATIC**  
2 **INVASIVE SPECIES INTO WATERS OF THE**  
3 **UNITED STATES BY VESSELS.**

4 “(a) REQUIREMENTS FOR VESSELS OPERATING IN  
5 WATERS OF THE UNITED STATES.—

6 “(1) INVASIVE SPECIES MANAGEMENT PLAN.—

7 “(A) IN GENERAL.—Effective beginning on  
8 the date that is 180 days after the issuance of  
9 guidelines pursuant to subparagraph (D) and  
10 promulgation of any regulations under this sec-  
11 tion, each vessel that is equipped with a ballast  
12 tank, and any towed vessel or structure, oper-  
13 ating in waters of the United States shall have  
14 in effect, and have available for inspection, an  
15 aquatic invasive species management plan that  
16 prescribes safe and effective means by which  
17 the master of the vessel shall minimize intro-  
18 ductions and transfers of invasive species by  
19 any part of the vessel, pursuant to the guide-  
20 lines or regulations applicable to that vessel.

21 “(B) SPECIFICITY.—The management plan  
22 shall be specific to the vessel (or group of ves-  
23 sels with characteristics similar to that of the  
24 vessel, as determined by the Secretary).

25 “(C) REQUIREMENTS.—The management  
26 plan shall include, at a minimum, such informa-

tion as is requested by the Secretary pursuant to subparagraph (D), including—

“(i) operational requirements to safely and effectively comply with the applicable ballast water management requirements under paragraph (4);

“(ii) operational requirements to safely and effectively carry out any actions consistent with a rapid response contingency strategy required by States and approved by the Secretary under section 1211;

“(iii) at the discretion of the Secretary, other operational requirements that are specified in guidelines adopted by the International Maritime Organization;

“(iv) a description of all reporting requirements and a copy of each form necessary to meet those requirements;

“(v) the position of the officer responsible for implementation of ballast water management and reporting procedures on board;

1 “(vi) documents relevant to aquatic  
2 invasive species management equipment or  
3 procedures;

4 “(vii) a description of the location of  
5 access points for sampling ballast or sedi-  
6 ments pursuant to paragraph (3)(B)(vi);

7 “(viii) a description of requirements  
8 relating to compliance with any approved  
9 rapid response strategy relevant to the voy-  
10 age of the vessel;

11 “(ix) a contingency strategy applicable  
12 under section 1211, if appropriate; and

13 “(x) such requirements described in  
14 subsection (b) as are applicable to the ves-  
15 sel.

16 “(D) GUIDELINES.—Not later than 18  
17 months after the date of enactment of the Na-  
18 tional Aquatic Invasive Species Act of 2006, the  
19 Secretary shall issue final guidelines for the de-  
20 velopment of invasive species management  
21 plans, including guidelines that—

22 “(i) identify types of vessels for which  
23 plans are required;

24 “(ii) establish processes for updating  
25 and revising the plans; and

1 “(iii) establish criteria for compliance  
2 with this subsection.

3 “(2) RECORDS.—The master of a vessel shall—

4 “(A) maintain records of all ballast oper-  
5 ations, for such period of time and including  
6 such information as the Secretary may specify;

7 “(B) permit inspection of the records by  
8 representatives of the Secretary and of the  
9 State in which the port is located; and

10 “(C) transmit records to the National Bal-  
11 last Information Clearinghouse established  
12 under section 1102(f).

13 “(3) BEST MANAGEMENT PRACTICES.—

14 “(A) IN GENERAL.—Not later than 18  
15 months after the date of enactment of the Na-  
16 tional Aquatic Invasive Species Act of 2006, the  
17 Secretary shall issue guidelines on best manage-  
18 ment practices to eliminate or minimize and  
19 monitor organism transfer by vessels.

20 “(B) PRACTICES TO BE INCLUDED.—The  
21 best management practices shall include—

22 “(i) sediment management in trans-  
23 oceanic vessels;

24 “(ii) minimization of ballast water up-  
25 take in areas in which there is a greater

1 risk of harmful organisms entering ballast  
2 tanks (such as areas with toxic algal  
3 blooms or known outbreaks of aquatic  
4 invasive species);

5 “(iii) avoidance of unnecessary dis-  
6 charge of ballast water in a port that was  
7 taken up in another port;

8 “(iv) to the maximum extent prac-  
9 ticable, collection and the proper disposal  
10 of debris from the cleaning of the hull;

11 “(v) proper use of anti-fouling coat-  
12 ing; and

13 “(vi) provision of sample access ports  
14 in ballast piping for sampling of ballast in-  
15 take and discharge.

16 “(4) BALLAST WATER MANAGEMENT.—

17 “(A) IN GENERAL.—Effective beginning on  
18 the date that is 180 days after the Secretary  
19 promulgates regulations pursuant to subsection  
20 (d), and except as provided in subparagraph  
21 (B), each vessel equipped with a ballast water  
22 tank that enters a United States port shall  
23 comply with the regulations relating to ballast  
24 water management.

25 “(B) EXCEPTIONS.—

1 “(i) VESSELS OPERATING ENTIRELY  
2 WITHIN EXCLUSIVE ECONOMIC ZONE.—Be-  
3 ginning on December 31, 2011, a vessel  
4 equipped with a ballast tank, and any  
5 towed vessel or structure, that operates en-  
6 tirely within the exclusive economic zone  
7 shall comply with the regulations described  
8 in subsection (b)(3).

9 “(ii) VESSELS OPERATING IN EN-  
10 CLOSED AQUATIC ECOSYSTEMS.—

11 “(I) IN GENERAL.—Subject to  
12 subclause (II), an existing vessel  
13 equipped with a ballast tank, and any  
14 towed vessel or structure, that oper-  
15 ates exclusively in the upper 4 Great  
16 Lakes (Lake Superior, Lake Michi-  
17 gan, Lake Huron, and Lake Erie, and  
18 the connecting channels), or in an-  
19 other enclosed aquatic ecosystem shall  
20 not be required to comply with the  
21 regulations described in subsection  
22 (b)(1).

23 “(II) ADDITIONAL ENCLOSED  
24 AQUATIC ECOSYSTEMS.—The Admin-  
25 istrator and the Under Secretary, in

1 consultation with regional panels of  
2 the Task Force, may determine addi-  
3 tional enclosed aquatic ecosystems in  
4 which the potential for movement of  
5 organisms by natural and anthropo-  
6 genic means is not significantly al-  
7 tered by the movement of the vessels  
8 equipped with ballast tanks.

9 “(b) INVASIVE SPECIES MANAGEMENT REGULA-  
10 TIONS AND CERTIFICATION PROCEDURES.—

11 “(1) REGULATIONS.—Not later than 18 months  
12 after the date of enactment of the National Aquatic  
13 Invasive Species Act of 2006, the Secretary, with the  
14 concurrence of the Administrator and in consultation  
15 with the Task Force, shall promulgate final regula-  
16 tions establishing performance requirements for ves-  
17 sels to reduce or eliminate introduction by the ves-  
18 sels of invasive species to waters of the United  
19 States, including—

20 “(A) ballast water management operations  
21 (including relevant contingency procedures in  
22 instances in which a safety exemption is used  
23 pursuant to subsection (j)); and

1           “(B) management of other vessel path-  
2           ways, including the hull and sea chest of a ves-  
3           sel.

4           “(2) BALLAST WATER EXCHANGE.—The regula-  
5           tions promulgated pursuant to paragraph (1)—

6           “(A) shall apply only to existing vessels;

7           “(B) shall expire not later than December  
8           31, 2011; and

9           “(C) shall include—

10           “(i) a provision for ballast water ex-  
11           change that requires—

12           “(I) at least 1 empty-and-refill  
13           cycle, on the high sea or in an alter-  
14           native exchange area designated by  
15           the Secretary, of each ballast tank  
16           that contains ballast water to be dis-  
17           charged into waters of the United  
18           States; or

19           “(II) for a case in which the  
20           master of a vessel determines that  
21           compliance with the requirement  
22           under subclause (I) is impracticable, a  
23           sufficient number of flow-through ex-  
24           changes of ballast water, on the high  
25           sea or in an alternative exchange area



1 designated by the Secretary, to  
2 achieve replacement of at least 95  
3 percent of ballast water in ballast  
4 tanks of the vessel, as determined by  
5 a certification dye study conducted or  
6 model developed in accordance with  
7 protocols developed under paragraph  
8 (5)(B) and recorded in the manage-  
9 ment plan of a vessel pursuant to sub-  
10 section (a)(1)(C)(i); and

11 “(ii) if a ballast water exchange is not  
12 undertaken pursuant to subsection (j), a  
13 contingency procedure that requires the  
14 master of a vessel to use the best prac-  
15 ticable technology or practice to treat bal-  
16 last discharge.

17 “(3) BALLAST WATER TREATMENT.—

18 “(A) IN GENERAL.—The regulations pro-  
19 mulgated pursuant to paragraph (1) shall—

20 “(i) establish a numeric ballast water  
21 discharge standard at a level that ensures  
22 that there is no measurable risk that any  
23 viable organisms of nonindigenous species  
24 entrained in ballast water that meets the

1 standard will be established in waters of  
2 the United States; and

3 “(ii) require that a vessel discharge  
4 ballast water the characteristics of which  
5 are consistent with clause (i), unless no  
6 technology exists to enable a vessel to dis-  
7 charge such ballast water.

8 “(B) BEST PERFORMING TREATMENT.—If  
9 no technology exists to enable a vessel to dis-  
10 charge ballast water in accordance with the dis-  
11 charge standard established under subpara-  
12 graph (A)(i), the regulations promulgated pur-  
13 suant to paragraph (1) shall require the vessel  
14 to discharge ballast water that—

15 “(i) has been treated with the best  
16 performing treatment technology; and

17 “(ii)(I) for existing vessels, has a con-  
18 centration of viable biological material that  
19 contains 99 percent fewer near-coastal  
20 plankton than the concentration of viable  
21 biological material of the intake water of  
22 the vessel, as estimated under the certifi-  
23 cation process described in paragraph  
24 (5)(C); or

1 “(II) for new vessels, has a concentra-  
2 tion of viable biological material that con-  
3 tains 99.9 percent fewer near-coastal  
4 plankton than the concentration of viable  
5 biological material of the intake water of  
6 the vessel, as estimated under the certifi-  
7 cation process described in paragraph  
8 (5)(C).

9 “(4) REVIEW AND REVISION.—The Secretary,  
10 with the concurrence of the Administrator, shall re-  
11 view and revise—

12 “(A) not less frequently than every 3  
13 years, any determination relating to best per-  
14 forming treatment technology under paragraph  
15 (3)(B)(i); and

16 “(B) not less frequently than every 6  
17 years, the regulations promulgated pursuant to  
18 paragraph (1).

19 “(5) CERTIFICATION OF TREATMENTS AND  
20 PRACTICES.—

21 “(A) IN GENERAL.—Not later than the  
22 date on which regulations are promulgated pur-  
23 suant to paragraphs (2) and (3), the Secretary  
24 shall, with the concurrence of the Adminis-  
25 trator, promulgate regulations for—

1 “(i) the certification of treatments or  
 2 practices the performances of which com-  
 3 ply with the regulations; and

4 “(ii) on-going enforcement of the ef-  
 5 fective use of the certified treatments or  
 6 practices.

7 “(B) CERTIFICATION OF BALLAST WATER  
 8 EXCHANGE PROCEDURES.—The certification of  
 9 ballast water exchange procedures in compli-  
 10 ance with the regulations promulgated pursuant  
 11 to paragraph (2) shall be based on a qualified  
 12 type-approval process, including a protocol in-  
 13 volving dye studies or models detailing flow dy-  
 14 namics of a vessel or class of vessels described  
 15 in paragraph (2)(A)(ii) for demonstrating the  
 16 number of flow-through exchanges necessary for  
 17 such a vessel to meet the percentage purge re-  
 18 quirements associated with the flow-through  
 19 technique for ballast water exchange.

20 “(C) CERTIFICATION OF ALL OTHER BAL-  
 21 LAST WATER DISCHARGE.—The certification of  
 22 treatments in compliance with the regulations  
 23 promulgated pursuant to paragraph (1)(B)  
 24 shall be based on a qualified type-approval  
 25 process that—

1 “(i) is capable of estimating the ex-  
2 tent to which ballast water discharge treat-  
3 ed by a ballast water treatment system is  
4 likely to comply with applicable standards,  
5 including any restrictions relating to—

6 “(I) biological, chemical, or phys-  
7 ical conditions of water taken into bal-  
8 last; and

9 “(II) conditions encountered dur-  
10 ing a voyage;

11 “(ii) is capable of determining the ex-  
12 tent to which a ballast water treatment  
13 method—

14 “(I) is environmentally sound,  
15 based on criteria promulgated by the  
16 Administrator under paragraph  
17 (8)(A); and

18 “(II) is safe for vessel and crew;

19 “(iii) may be used in estimating the  
20 expected useful life of the ballast water  
21 treatment system, as determined on the  
22 basis of voyage patterns and normal use  
23 conditions;

1 “(iv) includes a ship-boarding testing  
 2 component (and may include a shore-based  
 3 testing component);

4 “(v) provides for appropriate moni-  
 5 toring, as determined by the Adminis-  
 6 trator;

7 “(vi) provides for revocation by the  
 8 Administrator of approval pending the re-  
 9 sults of the monitoring; and

10 “(vii) is cost-effective.

11 “(D) EXPIRATION OF BALLAST WATER EX-  
 12 CHANGE OPTION.—On the date of expiration of  
 13 the ballast water exchange option under para-  
 14 graph (2), the certification process shall apply  
 15 to all methods of ballast water management,  
 16 treatment, and system design.

17 “(E) REVIEW AND REVISION.—Not less  
 18 frequently than every 3 years, the Secretary, in  
 19 conjunction with the Administrator, shall review  
 20 and, if necessary, revise the certification process  
 21 pursuant to subsection (e)(1).

22 “(F) APPLICATION FOR APPROVAL.—

23 “(i) IN GENERAL.—The Secretary and  
 24 the Administrator shall approve an appli-  
 25 cation for certification of a ballast water

1 treatment system only if the application is  
2 in such form and contains such informa-  
3 tion as the Secretary and Administrator  
4 may require.

5 “(ii) APPROVAL AND DISAPPROVAL.—

6 “(I) IN GENERAL.—On receipt of  
7 an application under clause (i)—

8 “(aa) the Administrator  
9 shall, not later than 90 days  
10 after the date of receipt of the  
11 application—

12 “(AA) review the appli-  
13 cation for compliance and  
14 consistency with environ-  
15 mental soundness criteria  
16 promulgated under para-  
17 graph (8)(A); and

18 “(BB) approve those  
19 ballast water treatment sys-  
20 tems that meet those cri-  
21 teria; and

22 “(bb) the Secretary, in con-  
23 sultation with the Task Force,  
24 shall, not later than 180 days

1 after the date of receipt of the  
2 application—

3 “(AA) determine  
4 whether the ballast water  
5 treatment system covered by  
6 the application meets the re-  
7 quirements of this sub-  
8 section, as appropriate;

9 “(BB) approve or dis-  
10 approve the application; and

11 “(CC) provide the ap-  
12 plicant written notice of ap-  
13 proval or disapproval.

14 “(II) LIMITATIONS.—An applica-  
15 tion approved under subclause (I)  
16 shall—

17 “(aa) be qualified with any  
18 limitations relating to voyage  
19 pattern, duration, or any other  
20 characteristic that may affect the  
21 effectiveness or environmental  
22 soundness of the ballast water  
23 treatment system covered by the  
24 application, as determined by the



1 Secretary in consultation with  
2 the Administrator;

3 “(bb) be applicable to a spe-  
4 cific vessel or group of vessels, as  
5 determined by the Secretary;

6 “(cc) be valid for the least  
7 of—

8 “(AA) the expected use-  
9 ful life of the ballast water  
10 treatment system;

11 “(BB) 10 years; or

12 “(CC) such period of  
13 time for which the Secretary  
14 or Administrator (as appro-  
15 priate) determines that  
16 (based on available informa-  
17 tion, including information  
18 developed pursuant to para-  
19 graph (6)(B)(iii)) there ex-  
20 ists a serious deficiency in  
21 performance or environ-  
22 mental soundness of the sys-  
23 tem relative to anticipated  
24 performance or environ-  
25 mental soundness; and

1 “(dd) be renewed if—

2 “(AA) the Secretary de-  
3 termines that the ballast  
4 water treatment system re-  
5 mains in compliance with  
6 applicable standards as of  
7 the date of application for  
8 renewal; or

9 “(BB) the remaining  
10 useful life of the vessel is  
11 less than 10 years.

12 “(6) EXPERIMENTAL APPROVAL FOR BALLAST  
13 WATER TREATMENT.—

14 “(A) IN GENERAL.—The owner or operator  
15 of a vessel may submit to the Secretary an ap-  
16 plication to test or evaluate a promising ballast  
17 water treatment technology that—

18 “(i) has the potential to achieve the  
19 standard set forth under subsection  
20 (b)(3)(A); and

21 “(ii) is likely to achieve a minimum  
22 performance that is the same as or more  
23 stringent than the best available perform-  
24 ance that applies to a vessel under sub-  
25 section (b)(3)(B).

1 “(B) APPROVAL.—The Secretary shall ap-  
2 prove an application under subparagraph (A)  
3 if—

4 “(i) the Secretary and the Adminis-  
5 trator, in consultation with the Task Force  
6 (including relevant regional panels, and the  
7 Prevention Committee, of the Task Force),  
8 determine that the treatment technologies  
9 meet the requirements in paragraph  
10 (3)(B)(ii); and

11 “(ii) the Administrator determines,  
12 based on independent and peer-reviewed  
13 information provided to the Secretary by  
14 the owner or operator of the vessel or  
15 other applicable parties, that the treatment  
16 technologies—

17 “(I) comply with environmental  
18 requirements (including regulations);  
19 and

20 “(II) have the potential to meet  
21 environmental soundness criteria es-  
22 tablished under paragraph (8)(A)(i).

23 “(C) WAIVER.—If the Secretary approves  
24 an application under subparagraph (B), the  
25 Secretary and the Administrator may waive the

1 requirements under subsection (a)(4)(A) with  
 2 respect to the vessel that is subject to the appli-  
 3 cation approved.

4 “(D) LIMITATIONS.—

5 “(i) PERIOD OF TESTING.—Testing of  
 6 the treatment system approved under this  
 7 section may cease prior to the termination  
 8 of the approval period described in clause  
 9 (ii).

10 “(ii) PERIOD OF APPROVAL.—Ap-  
 11 proval granted under subparagraph (B)  
 12 shall be for the least of—

13 “(I) the expected useful life of  
 14 the ballast water treatment system;

15 “(II) a period of 10 years; or

16 “(III) a period ending on the  
 17 date that the Secretary and Adminis-  
 18 trator (as appropriate) determines  
 19 that there exists a serious deficiency  
 20 in performance or human safety or  
 21 environmental soundness of the sys-  
 22 tem relative to anticipated perform-  
 23 ance or environmental soundness.

24 “(iii) INFORMATION.—As a condition  
 25 of receiving experimental approval for a

1 treatment under subparagraph (B), the  
 2 owner or operator of a vessel shall agree to  
 3 collect and report such information regard-  
 4 ing the operational and biological effective-  
 5 ness of the treatment through sampling of  
 6 the intake and discharge ballast as the  
 7 Secretary may request.

8 “(iv) RENEWAL.—An experimental  
 9 approval may be renewed in accordance  
 10 with paragraph (5)(F)(ii).

11 “(7) INCENTIVES FOR USE OF TREATMENT SYS-  
 12 TEMS.—

13 “(A) IN GENERAL.—The Secretary, the  
 14 Secretary of Transportation, and the Adminis-  
 15 trator shall assist owners or operators of vessels  
 16 that seek to obtain experimental approval for  
 17 installation of ballast water treatment systems,  
 18 including through providing guidance on—

19 “(i) a sampling protocol and test pro-  
 20 gram for cost effective treatment evalua-  
 21 tion;

22 “(ii) sources of sampling equipment  
 23 and field biological expertise; and

24 “(iii) examples of shipboard evalua-  
 25 tion studies.

“(B) SELECTION OF TECHNOLOGIES AND PRACTICES.—In selecting technologies and practices for shipboard demonstration under section 1104(b), the Secretary of the Interior and the Secretary of Commerce shall give priority consideration to technologies and practices that have received or are in the process of receiving certification under paragraph (5).

“(C) ANNUAL SUMMARIES.—The Secretary shall annually summarize, and make available to interested parties, all available information on the performance of technologies proposed for ballast treatment to facilitate the application process for experimental approval for ballast water treatment under paragraph (6).

“(8) ENVIRONMENTAL SOUNDNESS CRITERIA FOR BALLAST TREATMENTS.—

“(A) IN GENERAL.—The Administrator shall include in criteria promulgated under section 1202(j)(1)(A) specific criteria—

“(i) to ensure environmental soundness of ballast treatment systems; and

“(ii) to grant environmental soundness exceptions under subparagraph (B).

“(B) EXCEPTIONS.—

1 “(i) IN GENERAL.—In reviewing appli-  
 2 cations under paragraph (5)(F)(ii)(I)(aa)  
 3 in an emergency situation to achieve reduc-  
 4 tions in significant and acute risk of trans-  
 5 fers of invasive species by vessels, the Sec-  
 6 retary and the Administrator may jointly  
 7 determine to make an exception to criteria  
 8 described in subparagraph (A)(i).

9 “(ii) QUALIFICATION OF APPROV-  
 10 ALS.—To be eligible for an exception under  
 11 clause (i), an approval under paragraph  
 12 (5)(F)(ii)(I)(aa) shall be qualified under  
 13 paragraph (5)(F)(ii)(II).

14 “(c) GREAT LAKES PROGRAM.—

15 “(1) REGULATIONS.—Until such time as regu-  
 16 lations are promulgated to implement the amend-  
 17 ments made by the National Aquatic Invasive Spe-  
 18 cies Act of 2006, regulations promulgated to carry  
 19 out this Act shall remain in effect until revised or  
 20 replaced pursuant to the National Aquatic Invasive  
 21 Species Act of 2006.

22 “(2) RELATIONSHIP TO OTHER PROGRAMS.—  
 23 On implementation of a national mandatory ballast  
 24 management program that is at least as comprehen-  
 25 sive as the Great Lakes program (as determined by

1 the Secretary, in consultation with the Governors of  
2 Great Lakes States)—

3 “(A) the program regulating vessels and  
4 ballast water in Great Lakes under this section  
5 shall terminate; and

6 “(B) the national program shall apply to  
7 such vessels and ballast water.

8 “(3) REVIEW AND REVISION.—

9 “(A) IN GENERAL.—Not later than the  
10 date that is 18 months after the date of enact-  
11 ment of the National Aquatic Invasive Species  
12 Act of 2006, the Secretary shall—

13 “(i) review and revise regulations pro-  
14 mulgated under this section to ensure the  
15 regulations provide the maximum prac-  
16 ticable protection of the Great Lakes eco-  
17 system from introduction by vessels (in-  
18 cluding vessels in the unballasted condi-  
19 tion) of aquatic invasive species; and

20 “(ii) promulgate the revised regula-  
21 tions.

22 “(B) CONTENTS.—The revised regulations  
23 shall include, at a minimum, requirements  
24 under subsections (a) and (b) (as amended by  
25 that Act).



1 “(d) AUTHORITY OF THE SECRETARY.—

2 “(1) IN GENERAL.—In carrying out this sec-  
3 tion, the Secretary shall, with the concurrence of the  
4 Administrator, promulgate regulations in accordance  
5 with subsection (b).

6 “(2) PROGRAM COMPONENTS.—

7 “(A) IN GENERAL.—In carrying out para-  
8 graph (1), the Secretary shall promulgate a  
9 separate set of regulations for—

10 “(i) ships that enter the Great Lakes  
11 after operating outside the exclusive eco-  
12 nomic zone; and

13 “(ii) ships that enter United States  
14 ports after operating outside the exclusive  
15 economic zone, excluding United States  
16 ports on the Great Lakes.

17 “(B) DURATION.—Regulations promul-  
18 gated under subparagraph (A)(i) shall remain  
19 in effect until the Great Lakes program is ter-  
20 minated pursuant to subsection (c).

21 “(3) REQUIREMENTS.—The regulations promul-  
22 gated under paragraph (1) shall—

23 “(A) protect the safety of—

24 “(i) each vessel; and

1 “(ii) the crew and passengers of each  
2 vessel;

3 “(B) provide for sampling of ballast intake  
4 and discharge flows through ballast piping to  
5 monitor for compliance with the regulations;

6 “(C) take into consideration—

7 “(i) vessel types;

8 “(ii) variations in the ecological condi-  
9 tions of waters and coastal areas of the  
10 United States; and

11 “(iii) different operating conditions;

12 “(D) be based on the best scientific infor-  
13 mation available;

14 “(E) not affect or supersede any require-  
15 ments or prohibitions pertaining to the dis-  
16 charge of ballast water into waters of the  
17 United States under the Federal Water Pollu-  
18 tion Control Act (33 U.S.C. 1251 et seq.); and

19 “(F) include a list of the best performing  
20 treatment technologies that is reviewed and up-  
21 dated under subsection (b)(4)(A).

22 “(4) EDUCATION AND TECHNICAL ASSISTANCE  
23 PROGRAMS.—The Secretary may carry out education  
24 and technical assistance programs and other meas-

1       ures to promote compliance with the regulations pro-  
2       mulgated under this subsection.

3       “(e) PERIODIC REVIEW AND REVISION OF REGULA-  
4       TIONS.—

5               “(1) IN GENERAL.—Not later than 3 years  
6       after the date of enactment of the National Aquatic  
7       Invasive Species Act of 2006, and not less often  
8       than every 3 years thereafter, the Secretary shall  
9       (with the concurrence of the Administrator, based on  
10      recommendations of the Task Force, and informa-  
11      tion collected and analyzed under this title and in  
12      accordance with criteria developed by the Task  
13      Force under paragraph (3))—

14               “(A) assess the compliance by vessels with  
15      regulations promulgated under this section;

16               “(B) assess the effectiveness of the regula-  
17      tions referred to in subparagraph (A) in reduc-  
18      ing the introduction and spread of aquatic  
19      invasive species by vessels; and

20               “(C) as necessary, on the basis of the best  
21      scientific information available—

22               “(i) revise the regulations referred to  
23      in subparagraph (A); and

24               “(ii) promulgate additional regula-  
25      tions.

1           “(2) SPECIAL REVIEW AND REVISION.—Not  
 2           later than 90 days after the date on which the Task  
 3           Force makes a request to the Secretary for a special  
 4           review and revision of the Program, the Secretary  
 5           shall (with the concurrence of the Administrator)—

6                   “(A) conduct a special review of regula-  
 7                   tions in accordance with paragraph (1); and

8                   “(B) as necessary, in the same manner as  
 9                   provided under paragraph (1)(C)—

10                           “(i) revise those guidelines; or

11                           “(ii) promulgate additional regula-  
 12                           tions.

13           “(3) CRITERIA FOR EFFECTIVENESS.—Not  
 14           later than 1 year after the date of enactment of the  
 15           National Aquatic Invasive Species Act of 2006, and  
 16           every 3 years thereafter, the Task Force shall sub-  
 17           mit to the Secretary criteria for determining the  
 18           adequacy and effectiveness of all regulations promul-  
 19           gated under this section.

20           “(f) SANCTIONS.—

21                   “(1) CIVIL PENALTIES.—

22                           “(A) IN GENERAL.—Any person that vio-  
 23                           lates a regulation promulgated under this sec-  
 24                           tion shall be liable for a civil penalty in an  
 25                           amount not to exceed \$50,000.

1           “(B) SEPARATE VIOLATIONS.—Each day  
2           of a continuing violation constitutes a separate  
3           violation.

4           “(C) LIABILITY OF VESSELS.—A vessel op-  
5           erated in violation of a regulation promulgated  
6           under this Act shall be liable in rem for any  
7           civil penalty assessed under this subsection for  
8           that violation.

9           “(2) CRIMINAL PENALTIES.—Any person that  
10          knowingly violates the regulations promulgated  
11          under subsection (b) is guilty of a class C felony.

12          “(3) REVOCATION OF CLEARANCE.—On request  
13          of the Secretary, the Secretary of the Treasury shall  
14          withhold or revoke the clearance of a vessel required  
15          by section 4197 of the Revised Statutes (46 U.S.C.  
16          App. 91), if the owner or operator of that vessel is  
17          in violation of the regulations promulgated under  
18          subsection (b).

19          “(4) EXCEPTION TO SANCTIONS.—This sub-  
20          section does not apply to a failure to exchange bal-  
21          last water if—

22                 “(A) the master of a vessel, acting in good  
23                 faith, decides that the exchange of ballast water  
24                 will threaten the safety or stability of the vessel  
25                 or the crew or passengers of the vessel; and

1 “(B) the vessel complies with—

2 “(i) recordkeeping requirements of  
3 this Act;

4 “(ii) contingency requirements of sec-  
5 tion 1211; and

6 “(iii) reporting requirements of this  
7 Act.

8 “(g) COORDINATION WITH OTHER AGENCIES.—The  
9 Secretary is encouraged to use (with consent) the exper-  
10 tise, facilities, members, or personnel of, appropriate Fed-  
11 eral and State agencies and organizations that have rou-  
12 tine contact with vessels, as determined by the Secretary.

13 “(h) CONSULTATION WITH CANADA, MEXICO, AND  
14 OTHER FOREIGN GOVERNMENTS.—In developing the  
15 guidelines issued and regulations promulgated under this  
16 section, the Secretary is encouraged to consult with the  
17 Government of Canada, the Government of Mexico, and  
18 any other government of a foreign country that the Sec-  
19 retary, in consultation with the Task Force, determines  
20 to be necessary to develop and implement an effective  
21 international program for preventing the unintentional in-  
22 troduction and spread of nonindigenous species.

23 “(i) INTERNATIONAL COOPERATION.—The Sec-  
24 retary, in cooperation with the International Maritime Or-  
25 ganization of the United Nations and the Commission on

1 Environmental Cooperation established pursuant to the  
2 North American Free Trade Agreement, is encouraged to  
3 enter into negotiations with the governments of foreign  
4 countries to develop and implement an effective inter-  
5 national program for preventing the unintentional intro-  
6 duction and spread of nonindigenous species.

7 “(j) SAFETY EXEMPTION.—

8 “(1) MASTER DISCRETION.—The Master of a  
9 vessel is not required to conduct a ballast water ex-  
10 change if the Master determines that the exchange  
11 would threaten the safety or stability of the vessel,  
12 or the crew or passengers of the vessel, because of  
13 adverse weather, vessel architectural design, equip-  
14 ment failure, or any other extraordinary conditions.

15 “(2) OTHER REQUIREMENTS.—A vessel that  
16 does not exchange ballast water on the high seas  
17 under paragraph (1) shall not discharge ballast  
18 water in any harbor, except in accordance with a  
19 contingency strategy approved by the Secretary (and  
20 included in the invasive species management plan of  
21 the vessel) to reduce the risk of organism transfer  
22 by the discharge (using the best practicable tech-  
23 nology and practices pursuant to regulations promul-  
24 gated under subsection (b)(1)).

1       “(k) NON-DISCRIMINATION.—The Secretary shall en-  
 2       sure that vessels registered outside of the United States  
 3       do not receive more favorable treatment than vessels reg-  
 4       istered in the United States in any case in which the Sec-  
 5       retary performs studies, reviews compliance, determines  
 6       effectiveness, establishes requirements, or performs any  
 7       other responsibilities under this Act.

8       “(l) EFFECT ON OTHER LAW.—Nothing in this sec-  
 9       tion or any regulation promulgated under this section su-  
 10      persedes or otherwise affects any requirement or prohibi-  
 11      tion relating to the discharge of ballast water under the  
 12      Federal Water Pollution Control Act (33 U.S.C. 1251 et  
 13      seq.).”.

14      (b) CONFORMING AMENDMENTS.—

15           (1) Section 1102(c)(1) of the Nonindigenous  
 16      Aquatic Nuisance Prevention and Control Act of  
 17      1990 (16 U.S.C. 4712(c)(1)) is amended by striking  
 18      “issued under section 1101(b)” and inserting “pro-  
 19      mulgated under section 1101(e)”.

20           (2) Section 1102(f)(1)(B) of the Nonindigenous  
 21      Aquatic Nuisance Prevention and Control Act of  
 22      1990 (16 U.S.C. 4712(f)(1)(B)) is amended by  
 23      striking “guidelines issued pursuant to section  
 24      1101(c)” and inserting “regulations promulgated  
 25      under section 1101(e)”.



1 **SEC. 104. ARMED SERVICES WHOLE VESSEL MANAGEMENT**  
 2 **PROGRAM.**

3 Section 1103 of the Nonindigenous Aquatic Nuisance  
 4 Prevention and Control Act of 1990 (16 U.S.C. 4713) is  
 5 amended—

6 (1) by striking the section heading and insert-  
 7 ing the following:

8 **“SEC. 1103. ARMED SERVICES WHOLE VESSEL MANAGE-**  
 9 **MENT PROGRAM.”;**

10 and

11 (2) in subsection (a)—

12 (A) by striking “Subject to” and inserting  
 13 the following:

14 “(1) BALLAST WATER.—Subject to”; and

15 (B) by adding at the end the following:

16 “(2) TOWED VESSEL MANAGEMENT PRO-  
 17 GRAM.—

18 “(A) IN GENERAL.—Subject to operational  
 19 conditions, the Secretary of Defense, in con-  
 20 sultation with the Secretary, the Task Force,  
 21 and the International Maritime Organization,  
 22 shall implement a towed vessel management  
 23 program for Department of Defense vessels to  
 24 minimize the risk of introductions of aquatic  
 25 invasive species through hull and associated hull  
 26 aperture transfers by towed vessels.

1                   “(B) CURRENT BALLAST PROGRAM.—Ex-  
 2                   cept as provided in subparagraph (A), this Act  
 3                   does not affect the ballast program for Depart-  
 4                   ment of Defense vessels in effect on the date of  
 5                   enactment of the National Aquatic Invasive  
 6                   Species Act of 2006.

7                   “(3) REPORTS.—Not later than 3 years after  
 8                   the date of enactment of the National Aquatic  
 9                   Invasive Species Act of 2006, and every 3 years  
 10                  thereafter, the Secretary of Defense shall submit to  
 11                  Congress a report that includes a summary and  
 12                  analysis of the program carried out under this sec-  
 13                  tion.”.

14 **SEC. 105. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

15                  Subtitle C of title I of the Nonindigenous Aquatic  
 16                  Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
 17                  4721 et seq.) is amended by adding at the end the fol-  
 18                  lowing:

19 **“SEC. 1210. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

20                  “(a) IDENTIFICATION OF HIGH PRIORITY PATH-  
 21                  WAYS.—Not later than 2 years after the date of enactment  
 22                  of the National Aquatic Invasive Species Act of 2006, and  
 23                  every 3 years thereafter, the Task Force, in coordination  
 24                  with the Invasive Species Council and in consultation with  
 25                  representatives of States, industry, and other interested

1 parties, shall, based on pathway surveys conducted under  
2 this title and other available research relating to the rates  
3 of introductions in waters of the United States—

4 “(1) identify those pathways that pose the high-  
5 est risk for introductions of invasive species, both  
6 nationally and on a region-by-region basis;

7 “(2) develop recommendations for management  
8 strategies for those high-risk pathways;

9 “(3) include in the report to Congress required  
10 under section 1201(f)(2)(B) a description of the  
11 identifications, strategies, and recommendations  
12 based on research collected under this title; and

13 “(4) identify invasive species not yet introduced  
14 into waters of the United States that are likely to  
15 be introduced into waters of the United States un-  
16 less preventative measures are taken.

17 “(b) MANAGEMENT OF HIGH PRIORITY PATH-  
18 WAYS.—Not later than 3 years after the date of enactment  
19 of the National Aquatic Invasive Species Act of 2006, the  
20 Task Force or agencies of jurisdiction shall, to the max-  
21 imum extent practicable, implement the strategies de-  
22 scribed in subsection (a)(2), considering appropriate peri-  
23 odic updates to the strategies.”.

1 **SEC. 106. SCREENING PROCESS FOR PLANNED IMPORTA-**  
2 **TIONS OF LIVE AQUATIC ORGANISMS.**

3 Subtitle B of the Nonindigenous Aquatic Nuisance  
4 Prevention and Control Act of 1990 (16 U.S.C. 4711 et  
5 seq.) is amended by adding at the end the following:

6 **“SEC. 1105. SCREENING PROCESS FOR PLANNED IMPORTA-**  
7 **TIONS OF LIVE AQUATIC ORGANISMS.**

8 “(a) IN GENERAL.—Not later than 3 years after the  
9 date of enactment of the National Aquatic Invasive Spe-  
10 cies Act of 2006, no live aquatic organism of a species  
11 not in trade shall be imported into the United States with-  
12 out screening and approval in accordance with subsections  
13 (c) and (d).

14 “(b) GUIDELINES.—

15 “(1) IN GENERAL.—Not later than 30 months  
16 after the date of enactment of the National Aquatic  
17 Invasive Species Act of 2006, in consultation with  
18 regional panels convened under section 1203, States,  
19 tribes, and other stakeholders, the Invasive Species  
20 Council (in conjunction with the Task Force) shall  
21 promulgate guidelines for screening proposed  
22 planned importations of live aquatic organisms into  
23 the United States that include—

24 “(A) guidelines for minimum information  
25 requirements for determinations under sub-  
26 section (c); and

1           “(B) guidelines for a simplified notification  
2           procedure for any additional shipments of orga-  
3           nisms that may occur after completion of an  
4           initial screening process and determination  
5           under subsection (c).

6           “(2) PURPOSE.—The purpose of the screening  
7           process shall be to prevent the introduction or estab-  
8           lishment of aquatic invasive species (including patho-  
9           gens and parasites of the species) in waters of the  
10          United States and contiguous waters of Canada and  
11          Mexico.

12          “(3) FACTORS.—In developing guidelines under  
13          this subsection and reviewing and revising the guide-  
14          lines under subsection (j), the Invasive Species  
15          Council and the Task Force shall consider—

16               “(A) the likelihood of the spread of species  
17               by human or natural means;

18               “(B) species that may occur in association  
19               with the species planned for importation includ-  
20               ing pathogens, parasites, and free-living orga-  
21               nisms;

22               “(C) regional differences in probability of  
23               invasion and associated impacts;

1           “(D) the difficulty of controlling an estab-  
 2           lished population of an aquatic invasive species  
 3           in the wild; and

4           “(E) the profile established under section  
 5           1108(b).

6           “(c) CATEGORIES.—The screening process shall—

7           “(1) require the identification, to the maximum  
 8           extent practicable, to the species level and, at a min-  
 9           imum, to the genus level, of live aquatic organisms  
 10          proposed for importation; and

11          “(2) designate—

12           “(A) species with high or moderate prob-  
 13           ability of undesirable impacts to areas within  
 14           the boundaries of the United States and contig-  
 15           uous areas of neighboring countries, to which  
 16           the species is likely to be spread by human or  
 17           natural means; and

18           “(B) species with respect to which there is  
 19           insufficient information to determine the risk  
 20           category based on guidelines issued pursuant to  
 21           subsection (b)(1)(B).

22          “(d) EVALUATION.—

23           “(1) IN GENERAL.—Not later than 180 days  
 24           after the date of promulgation of guidelines under  
 25           subsection (b), in consultation with regional panels

1 convened under section 1203, States, tribes, and  
2 other stakeholders, a Federal agency with authority  
3 over an importation into the United States of a live  
4 organism of a species not in trade and proposed for  
5 importation into the United States shall screen the  
6 species in accordance with guidelines promulgated  
7 under subsection (b).

8 “(2) DELEGATION AND AUTHORITY.—

9 “(A) IN GENERAL.—Subject to subpara-  
10 graph (B), if no agency has authority described  
11 in paragraph (1) or an agency delegates the  
12 screening to the Director under subsection (h),  
13 the Director shall screen the organisms in ac-  
14 cordance with subsections (a) and (b).

15 “(B) UNITED STATES FISH AND WILDLIFE  
16 SERVICE.—The Director may restrict or pro-  
17 hibit the importation of an organism of a spe-  
18 cies not in trade if—

19 “(i) no other Federal agency has au-  
20 thority to regulate the importation of the  
21 species in trade; and

22 “(ii) the Director determines, based  
23 on an evaluation that is consistent with the  
24 screening requirements promulgated under  
25 subsection (g), that the species in trade

1           has a high or moderate probability of an  
2           undesirable impact to an area within the  
3           boundaries of the United States or a con-  
4           tiguous area of a neighboring country, to  
5           which the species may be spread by human  
6           or natural means.

7           “(3) MULTIPLE JURISDICTION.—

8           “(A) IN GENERAL.—Subject to subpara-  
9           graph (B), if more than 1 agency has jurisdic-  
10          tion over the importation of a live organism, the  
11          agencies shall conduct only 1 screening process  
12          in accordance with the memorandum of under-  
13          standing described in subsection (f) (in con-  
14          sultation with National Oceanic and Atmos-  
15          pheric Administrator).

16          “(B) CULTURED AQUATIC ORGANISMS.—

17          The Secretary of Agriculture shall conduct  
18          screening of organisms imported to be cultured.

19          “(e) REQUIREMENTS.—A Federal agency of jurisdic-  
20          tion, or the Director shall—

21               “(1) restrict or prohibit the importation into  
22               the United States from outside the United States of  
23               any species that is described in subsection (c)(2)(A);

24               “(2) prohibit the importation of any species de-  
25               scribed in subsection (c)(2)(B), unless the importa-



1       tion is for the sole purpose of research that is con-  
 2       ducted in accordance with section 1202(f)(2); and

3           “(3) make a determination under this sub-  
 4       section not later than 180 days after receiving a  
 5       complete request for permission to import a live  
 6       aquatic species.

7       “(f) MEMORANDUM OF UNDERSTANDING.—

8           “(1) IN GENERAL.—The Director of the United  
 9       States Fish and Wildlife Service shall enter into a  
 10      memorandum of understanding with the agencies of  
 11      jurisdiction regarding the screening requirements of  
 12      this section.

13          “(2) CONTENTS.—The memorandum of under-  
 14      standing shall contain, at a minimum—

15           “(A) a description of the relationship be-  
 16      tween and responsibilities of the agencies of ju-  
 17      risdiction, including a process designating a  
 18      lead agency in cases in which multiple agencies  
 19      may have jurisdiction over the screening of an  
 20      aquatic species;

21           “(B) the process by which the Director will  
 22      delegate screening duties to and receive delega-  
 23      tion from other agencies of jurisdiction; and

24           “(C) the process by which agencies of ju-  
 25      risdiction and the Invasive Species Council will

1 coordinate and share information required for  
2 the screening of species.

3 “(g) SCREENING REQUIREMENTS.—The Director  
4 shall promulgate screening requirements consistent with  
5 the guidelines promulgated under subsection (b) to evalu-  
6 ate any planned live aquatic species importation (including  
7 an importation carried out by a Federal agency) from out-  
8 side the borders of the United States into waters of the  
9 United States that is—

10 “(1) not otherwise subject to Federal authority  
11 to permit the importation; or

12 “(2) delegated to the Director by another agen-  
13 cy of jurisdiction under subsection (h).

14 “(h) DELEGATION TO DIRECTOR.—Any agency with  
15 authority over the planned importation of a live aquatic  
16 organism may delegate to the Director the screening proc-  
17 ess carried out under this section.

18 “(i) CATALOG OF SPECIES IN TRADE.—Not later  
19 than 1 year after the date of enactment of the National  
20 Aquatic Invasive Species Act of 2006, the Director of the  
21 United States Geological Survey and the Director of the  
22 Smithsonian Environmental Research Center, in coopera-  
23 tion with agencies with jurisdiction over planned importa-  
24 tions of live organisms, shall—

1           “(1) develop and, as necessary, update a cata-  
2       log of species in trade; and

3           “(2) include the list in the information provided  
4       to the public pursuant to section 1102(f).

5       “(j) REVIEW AND REVISION.—

6           “(1) IN GENERAL.—At least once every 3 years,  
7       the Council, in conjunction with the Task Force,  
8       shall use research on early detection and monitoring  
9       under section 1106, among other information  
10      sources, to review and revise to the screening, guide-  
11      lines, and process carried out under this section.

12          “(2) REPORT.—The Invasive Species Council  
13      shall include in its report to Congress required pur-  
14      suant to section 1201(f)(2)(B)—

15           “(A) an evaluation of the effectiveness of  
16      the screening processes carried out under this  
17      section;

18           “(B) the consistency of the application of  
19      the screening process by agencies; and

20           “(C) recommendations for revisions of the  
21      processes.

22       “(k) PROHIBITIONS.—

23           “(1) IN GENERAL.—Except as otherwise pro-  
24      vided in this section, it shall be unlawful to import  
25      a live aquatic organism of a species not in trade.

1 “(2) PENALTIES.—

2 “(A) CIVIL PENALTY.—Any person that  
3 violates paragraph (1) shall be liable for a civil  
4 penalty in an amount not to exceed \$50,000.

5 “(B) CRIMINAL PENALTIES.—Any person  
6 that knowingly violates paragraph (1) is guilty  
7 of a class C felony.

8 “(l) FEES.—The head of any agency that has juris-  
9 diction over a planned importation of a species subject to  
10 screening under this Act may increase the amount of any  
11 appropriate fee that is charged under an authority of law  
12 to offset the cost of any screening process carried out  
13 under this section.

14 “(m) INFORMATION.—A Federal agency conducting  
15 a screening process under this section shall make the re-  
16 sults of the process available to the public (including inter-  
17 national organizations).

18 “(n) EFFECT ON OTHER LAWS.—

19 “(1) IN GENERAL.—Nothing in this section re-  
20 peals, supercedes, or modifies any provision of Fed-  
21 eral or State law relating to the screening process  
22 for aquatic species importation.

23 “(2) MORE PROTECTIVE LAWS.—A State, the  
24 District of Columbia, or a territory of the United  
25 States may adopt an aquatic plant or animal impor-

1       tation law, regulation, or policy that requires a more  
 2       protective screening process for aquatic species im-  
 3       portation than the regulations and policies of this  
 4       section.”.

5   **SEC. 107. EARLY DETECTION.**

6       Subtitle B of the Nonindigenous Aquatic Nuisance  
 7   Prevention and Control Act of 1990 (16 U.S.C. 4711 et  
 8   seq.) (as amended by section 106) is amended by adding  
 9   at the end the following:

10   **“SEC. 1106. EARLY DETECTION AND MONITORING.**

11       “(a) IN GENERAL.—Not later than 18 months after  
 12   the date of enactment of the National Aquatic Invasive  
 13   Species Act of 2006, in conjunction with the Council, the  
 14   Task Force shall (based on the standard protocol for early  
 15   detection surveys developed under this title), promulgate  
 16   a set of sampling protocols, a geographic plan, and budget  
 17   to support a national system of ecological surveys to rap-  
 18   idly detect recently-established aquatic invasive species in  
 19   waters of the United States.

20       “(b) CONTENTS.—The protocols, plan, and budget  
 21   shall, at a minimum—

22               “(1) address a diversity of aquatic ecosystems  
 23       of the United States (including inland and coastal  
 24       waters);

1           “(2) encourage State, local, port, and tribal  
2 participation in monitoring;

3           “(3) balance scientific rigor with practicability,  
4 timeliness, and breadth of sampling activity;

5           “(4) considers the pathways and organisms  
6 identified under section 1210;

7           “(5) include a capacity to evaluate the impacts  
8 of permitted importations screened by the processes  
9 established under section 1105; and

10          “(6) include clear lines of communication with  
11 appropriate Federal, State, and regional rapid re-  
12 sponse authorities.

13          “(c) IMPLEMENTATION.—Not later than 3 years after  
14 the date of enactment of the National Aquatic Invasive  
15 Species Act of 2006, the Director of the United States  
16 Geological Survey, the Administrator of the National Oce-  
17 anic and Atmospheric Administration, and the Adminis-  
18 trator (in consultation with the Invasive Species Council  
19 and in coordination with other agencies and organizations)  
20 shall implement a national system of ecological surveys  
21 that is—

22           “(1) carried out in cooperation with State,  
23 local, port, tribal authorities, and other non-Federal  
24 entities (such as colleges and universities); and

1           “(2) based on the protocols, plan, and budget  
2           published under subsection (a) and any public com-  
3           ment.”.

4   **SEC. 108. RAPID RESPONSE.**

5           Subtitle C of title I of the Nonindigenous Aquatic  
6   Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
7   4721 et seq.) (as amended by section 105) is amended  
8   by adding at the end the following:

9   **“SEC. 1211. RAPID RESPONSE.**

10          “(a) EMERGENCY RAPID RESPONSE FUND.—

11               “(1) ESTABLISHMENT.—There is established in  
12          the Treasury of the United States a revolving fund  
13          to assist States in implementing rapid response  
14          measures for aquatic invasive species, to be known  
15          as the ‘Emergency Rapid Response Fund’ (referred  
16          to in this subsection as the ‘Fund’), consisting of—

17                       “(A) such amounts as are appropriated to  
18          the Fund under section 1301(g)(2)(A); and

19                       “(B) any interest earned on investment of  
20          amounts in the Fund under paragraph (3).

21          “(2) EXPENDITURES FROM FUND.—

22               “(A) IN GENERAL.—Subject to subpara-  
23          graph (C), on request by the Secretary of the  
24          Interior, the Secretary of the Treasury shall  
25          transfer from the Fund to the Secretary of the

1 Interior such amounts as the Secretary of the  
2 Interior determines are necessary to provide fi-  
3 nancial assistance to a State or the Federal  
4 rapid response team under subparagraph (B) to  
5 assist in implementing rapid response measures  
6 for aquatic invasive species.

7 “(B) STATE ASSISTANCE.—

8 “(i) IN GENERAL.—A State may sub-  
9 mit to the Secretary of the Interior an ap-  
10 plication for emergency response assistance  
11 from the Fund.

12 “(ii) APPROVAL.—If the Secretary of  
13 the Interior approves an application sub-  
14 mitted under clause (i), the Secretary shall  
15 use amounts provided to the Secretary  
16 under subparagraph (A)—

17 “(I) in a case in which a State  
18 has in effect a rapid response contin-  
19 gency strategy that is approved under  
20 subsection (b), to provide emergency  
21 response assistance to the State; and

22 “(II) in a case in which the State  
23 does not have a rapid response contin-  
24 gency strategy approved under sub-  
25 section (b) in effect, to provide emer-



1                   agency response assistance to the Fed-  
2                   eral rapid response team established  
3                   under subsection (f).

4                   “(iii) ADDITIONAL FUNDS.—If addi-  
5                   tional amounts are needed for the conduct  
6                   of emergency response activities in the  
7                   State, the Secretary of the Interior may  
8                   provide additional assistance to the State  
9                   or Federal rapid response team under this  
10                  paragraph.

11                  “(C) ADMINISTRATIVE EXPENSES.—An  
12                  amount not to exceed 10 percent of the  
13                  amounts in the Fund shall be available for each  
14                  fiscal year to pay the administrative expenses  
15                  necessary to carry out this Act.

16                  “(3) INVESTMENT OF AMOUNTS.—

17                  “(A) IN GENERAL.—The Secretary of the  
18                  Treasury shall invest such portion of the Fund  
19                  as is not, in the judgment of the Secretary of  
20                  the Treasury, required to meet current with-  
21                  drawals.

22                  “(B) INTEREST-BEARING OBLIGATIONS.—  
23                  Investments may be made only in interest-bear-  
24                  ing obligations of the United States.

1           “(C) ACQUISITION OF OBLIGATIONS.—For  
 2           the purpose of investments under subparagraph  
 3           (A), obligations may be acquired—

4                   “(i) on original issue at the issue  
 5                   price; or

6                   “(ii) by purchase of outstanding obli-  
 7                   gations at the market price.

8           “(D) SALE OF OBLIGATIONS.—Any obliga-  
 9           tion acquired by the Fund may be sold by the  
 10          Secretary of the Treasury at the market price.

11          “(E) CREDITS TO FUND.—The interest on,  
 12          and the proceeds from the sale or redemption  
 13          of, any obligations held in the Fund shall be  
 14          credited to and form a part of the Fund.

15          “(4) TRANSFERS OF AMOUNTS.—

16                  “(A) IN GENERAL.—The amounts required  
 17          to be transferred to the Fund under this section  
 18          shall be transferred at least monthly from the  
 19          general fund of the Treasury to the Fund on  
 20          the basis of estimates made by the Secretary of  
 21          the Treasury.

22                  “(B) ADJUSTMENTS.—Proper adjustment  
 23          shall be made in amounts subsequently trans-  
 24          ferred to the extent prior estimates were in ex-

1           cess of or less than the amounts required to be  
2           transferred.

3           “(b) STATE RAPID RESPONSE CONTINGENCY STRAT-  
4 EGIES.—The Task Force, in consultation with the  
5 Invasive Species Council, shall approve a rapid response  
6 contingency strategy of a State if the strategy—

7           “(1) identifies all key governmental and non-  
8 governmental partners to be involved in carrying out  
9 the strategy;

10           “(2) clearly designates the authorities and re-  
11 sponsibilities of each partner, including the authority  
12 of any State or government of an Indian tribe to dis-  
13 tribute emergency funds;

14           “(3) specifies criteria for rapid response meas-  
15 ures, including a diagnostic system that—

16           “(A) distinguishes cases in which rapid re-  
17 sponse has a likelihood of success and cases in  
18 which rapid response has no likelihood of suc-  
19 cess;

20           “(B) distinguishes rapid response meas-  
21 ures from ongoing management and control of  
22 established populations of aquatic invasive spe-  
23 cies; and

1           “(C) distinguishes instances in which the  
2           rate and probability of organism dispersal is  
3           significantly altered by vessel movements;

4           “(4) includes an early detection strategy that  
5           supports or complements the early detection and  
6           monitoring system developed under section 1108;

7           “(5) provides for a monitoring capability to as-  
8           sess—

9           “(A) the extent of infestations; and

10          “(B) the effectiveness of rapid response ef-  
11          forts;

12          “(6) to the maximum extent practicable, is inte-  
13          grated into the State aquatic invasive species man-  
14          agement plan approved under section 1204;

15          “(7) to the maximum extent practicable, in-  
16          cludes rapid response tools that meet environmental  
17          criteria developed under subsection (f)(4);

18          “(8) includes a public education and outreach  
19          component directed at—

20          “(A) potential pathways for spread of  
21          aquatic invasive species; and

22          “(B) persons involved in industries and  
23          recreational activities associated with those  
24          pathways; and

1 “(9) to the extent that the strategy involves  
 2 vessels, conforms with guidelines issued by the Sec-  
 3 retary under subsection (d)(2).

4 “(c) REGIONAL RAPID RESPONSE CONTINGENCY  
 5 STRATEGIES.—The Task Force, with the concurrence of  
 6 the Invasive Species Council and in consultation with the  
 7 regional panels of the Task Force established under sec-  
 8 tion 1203, shall encourage the development of regional  
 9 rapid response contingency strategies that—

10 “(1) provide a consistent and coordinated ap-  
 11 proach to rapid response; and

12 “(2) are approved by—

13 “(A) the Secretary; and

14 “(B) the Governors and Indian tribes hav-  
 15 ing jurisdiction over areas within a region.

16 “(d) MODEL RAPID RESPONSE CONTINGENCY  
 17 STRATEGIES.—Not later than 18 months after the date  
 18 of enactment of the National Aquatic Invasive Species Act  
 19 of 2006—

20 “(1) the Task Force, with the concurrence of  
 21 the Invasive Species Council and the regional panels  
 22 of the Task Force established under section 1203,  
 23 shall develop—

24 “(A) a model State rapid response contin-  
 25 gency strategy (including rapid assessment ca-

pability) for aquatic invasive species that meets, to the maximum extent practicable, the requirements of paragraphs (1) through (9) of subsection (b); and

“(B) a model regional rapid response contingency strategy (including rapid assessment capability) for aquatic invasive species; and

“(2) the Secretary, in concurrence with the Task Force and the regional panels of the Task Force, shall issue guidelines that describe vessel-related requirements that may be used in a rapid response contingency strategy approved under this section.

“(e) COST SHARING.—

“(1) STATE RAPID RESPONSE CONTINGENCY STRATEGIES.—The Federal share of the cost of activities carried out under a State rapid response contingency strategy approved under subsection (b) shall be not less than 50 percent.

“(2) REGIONAL RAPID RESPONSE CONTINGENCY STRATEGIES.—The Federal share of the cost of activities carried out under a regional rapid response contingency strategy approved under subsection (c) shall be not less than 75 percent.

1           “(3) FORM OF NON-FEDERAL SHARE.—The  
 2           non-Federal share required under paragraph (1) or  
 3           (2) may be in the form of in-kind contributions.

4           “(f) FEDERAL RAPID RESPONSE TEAMS.—

5           “(1) ESTABLISHMENT OF TEAMS.—Not later  
 6           than 1 year after the date of enactment of the Na-  
 7           tional Aquatic Invasive Species Act of 2006, the  
 8           Invasive Species Council, in coordination with the  
 9           Task Force and the heads of appropriate Federal  
 10          agencies, shall establish a Federal rapid response  
 11          team for each of the 10 Federal regions that com-  
 12          prise the Standard Federal Regional Boundary Sys-  
 13          tem.

14          “(2) DUTIES OF TEAMS.—Each Federal rapid  
 15          response team shall, at a minimum—

16               “(A) implement rapid eradication or con-  
 17               trol responses for newly detected aquatic  
 18               invasive species on Federal and tribal land;

19               “(B) carry out, or assist in carrying out,  
 20               rapid responses for newly detected aquatic  
 21               invasive species on non-Federal land at the re-  
 22               quest of a State, Indian tribe, or group of  
 23               States or Indian tribes;

24               “(C) provide training and expertise for  
 25               State, tribal, or regional rapid responders;

1           “(D) provide central sources of informa-  
2           tion for rapid responders;

3           “(E) maintain a list of researchers and  
4           rapid response volunteers; and

5           “(F) in carrying out any rapid response  
6           activity with respect to an aquatic noxious weed  
7           listed under section 412(f) of the Plant Protec-  
8           tion Act (7 U.S.C. 7712(f)), include representa-  
9           tives of the Animal and Plant Health Inspection  
10          Service.

11          “(3) CRITERIA FOR IDENTIFYING CASES OF  
12          RAPID RESPONSE WARRANTING FEDERAL ASSIST-  
13          ANCE.—Not later than 1 year after the date of en-  
14          actment of the National Aquatic Invasive Species  
15          Act of 2006, the Task Force, with the concurrence  
16          of the Invasive Species Council, shall develop criteria  
17          to identify cases warranting Federal assistance for  
18          rapid assessment and response under this sub-  
19          section, including indicative criteria relating to, at a  
20          minimum—

21               “(A) the extent to which infestations of  
22               aquatic invasive species may be managed suc-  
23               cessfully by rapid response;



1           “(B) the extent to which rapid response ef-  
2           forts may differ from ongoing management and  
3           control; and

4           “(C) the extent to which infestations of  
5           nonindigenous aquatic invasive species are con-  
6           sidered to be an acute or chronic threat to—

7                   “(i) biodiversity of native aquatic or-  
8                   ganisms;

9                   “(ii) habitats of native fish and wild-  
10                  life; or

11                  “(iii) human health.

12           “(4) ENVIRONMENTAL CRITERIA.—Not later  
13           than 1 year after the date of enactment of the Na-  
14           tional Aquatic Invasive Species Act of 2006, the Ad-  
15           ministrator, in consultation with the Invasive Spe-  
16           cies Council, the Secretary of Transportation, the  
17           Task Force (including regional panels of the Task  
18           Force established under section 1203), the Director,  
19           and the Director of the National Marine Fisheries  
20           Service, shall develop environmental criteria to mini-  
21           mize nontarget environmental impacts of rapid re-  
22           sponses carried out pursuant to this section.”.

1 **SEC. 109. ENVIRONMENTAL SOUNDNESS.**

2 Section 1202 of the Nonindigenous Aquatic Nuisance  
3 Prevention and Control Act of 1990 (16 U.S.C. 4722) is  
4 amended—

5 (1) by redesignating subsections (j) and (k) as  
6 subsections (l) and (m), respectively; and

7 (2) by inserting after subsection (i) the fol-  
8 lowing:

9 “(j) IMPROVEMENT OF TREATMENT METHODS FOR  
10 AQUATIC INVASIVE SPECIES.—

11 “(1) CRITERIA TO EVALUATE ENVIRONMENTAL  
12 SOUNDNESS OF TREATMENT METHODS.—

13 “(A) IN GENERAL.—Not later than 1 year  
14 after the date of enactment of the National  
15 Aquatic Invasive Species Act of 2006, the Ad-  
16 ministrator, in consultation with the Secretary,  
17 the Invasive Species Council, and the Task  
18 Force (including any regional panels of the  
19 Task Force) shall promulgate criteria to evalu-  
20 ate the treatment methods described in sub-  
21 paragraph (B) for the purpose of ensuring that  
22 the treatment methods pose no significant  
23 threat of adverse effect on human health, public  
24 safety, or the environment (including air quality  
25 and the aquatic environment) that is acute,  
26 chronic, cumulative, or collective.

1           “(B) TREATMENT METHODS.—The treat-  
2           ment methods referred to in subparagraph (A)  
3           are all mechanical, physical, chemical, biologi-  
4           cal, and other treatment methods used in bodies  
5           of water of the United States (regardless of  
6           whether the bodies of water are navigable and  
7           regardless of the origin of the waters), to pre-  
8           vent, treat, or respond to the introduction of  
9           aquatic invasive species.

10           “(C) CONSULTATION.—In carrying out  
11           subparagraph (A), the Administrator shall con-  
12           sult with—

13                   “(i) the Secretary of Transportation;

14                   “(ii) the Task Force (including the re-  
15                   gional panels of the Task Force established  
16                   under section 1203);

17                   “(iii) the Director;

18                   “(iv) the Assistant Secretary;

19                   “(v) the Director of the National Ma-  
20                   rine Fisheries Service; and

21                   “(vi) relevant State agencies.

22           “(2) PUBLICATION OF INFORMATION ON ENVI-  
23           RONMENTALLY SOUND TREATMENT METHODS.—The  
24           Administrator, in consultation with the Invasive Spe-  
25           cies Council, shall publish (not later than 1 year

1 after the date of enactment of the National Aquatic  
 2 Invasive Species Act of 2006) and update annu-  
 3 ally—

4 “(A) a list of environmentally sound treat-  
 5 ment methods that may apply to a potential  
 6 aquatic invasive species response effort;

7 “(B) accompanying research that supports  
 8 the environmental soundness of each approved  
 9 treatment method; and

10 “(C) explicit guidelines under which each  
 11 treatment method can be used in an environ-  
 12 mentally sound manner.

13 “(3) REPORTS.—The Invasive Species Council  
 14 and Task Force shall include the information de-  
 15 scribed in paragraph (2) in the reports submitted  
 16 under section 1201(f)(2)(B).”.

17 **SEC. 110. INFORMATION, EDUCATION, AND OUTREACH.**

18 Section 1202(h) of the Nonindigenous Aquatic Nui-  
 19 sance Prevention and Control Act of 1990 (16 U.S.C.  
 20 4722(h)) is amended—

21 (1) by striking “(h) EDUCATION.—The Task  
 22 Force” and inserting the following:

23 “(h) INFORMATION, EDUCATION, AND OUTREACH.—

24 “(1) IN GENERAL.—The Task Force”; and

25 (2) by adding at the end the following:

1 “(2) ACTIVITIES.—

2 “(A) IN GENERAL.—The programs carried  
3 out under paragraph (1) shall include the ac-  
4 tivities described in this paragraph.

5 “(B) PUBLIC OUTREACH.—

6 “(i) PUBLIC WARNINGS.—Not later  
7 than 180 days after the date of enactment  
8 of the Great Lakes Collaboration Imple-  
9 mentation Act of 2006, each Federal offi-  
10 cer of an agency that provides Federal  
11 funds to States for building or maintaining  
12 public access points to United States water  
13 bodies shall amend the guidelines of the  
14 agency, in consultation with relevant State  
15 agencies, to encourage the posting of re-  
16 gionally-specific public warnings or other  
17 suitable informational and educational ma-  
18 terials at the access points regarding—

19 “(I) the danger of spread of  
20 aquatic invasive species through the  
21 transport of recreational watercraft;  
22 and

23 “(II) methods for removing orga-  
24 nisms prior to transporting a  
25 watercraft.

1                   “(ii) CLEANING OF WATERCRAFT AT  
 2                   MARINAS.—Not later than 1 year after the  
 3                   date of enactment of the Great Lakes Col-  
 4                   laboration Implementation Act of 2006,  
 5                   the Under Secretary and the Director (in  
 6                   cooperation with the Task Force and in  
 7                   consultation with the States, relevant in-  
 8                   dustry groups, and Indian tribes) shall de-  
 9                   velop an education, outreach, and training  
 10                  program directed toward marinas and ma-  
 11                  rina operators regarding—

12                         “(I) checking watercraft for live  
 13                         organisms;

14                         “(II) removing live organisms  
 15                         from the watercraft before the  
 16                         watercraft are commercially or  
 17                         recreationally trailered;

18                         “(III) encouraging regular hull  
 19                         cleaning and maintenance, avoiding  
 20                         in-water hull cleaning; and

21                         “(IV) other activities, as identi-  
 22                         fied by the Secretary.

23                   “(iii) PROPER DISPOSAL OF NON-  
 24                   INDIGENOUS LIVE AQUATIC ORGANISMS IN  
 25                   TRADE.—The Task Force shall—

1                   “(I) not later than 1 year after  
 2                   the date of enactment of the Great  
 3                   Lakes Collaboration Implementation  
 4                   Act of 2006, develop (in consultation  
 5                   with industry and other affected par-  
 6                   ties) guidelines for proper disposal of  
 7                   live nonindigenous aquatic organisms  
 8                   in trade; and

9                   “(II) use the guidelines in appro-  
 10                  prium public information and out-  
 11                  reach efforts.

12               “(C) 100TH MERIDIAN PROGRAM.—

13               “(i) IN GENERAL.—Not later than 1  
 14               year after the date of enactment of the  
 15               Great Lakes Collaboration Implementation  
 16               Act of 2006, the Task Force shall expand  
 17               the information and education program di-  
 18               rected at recreational boaters in States  
 19               from which watercraft are transported  
 20               westward across the 100th meridian.

21               “(ii) ACTIVITIES.—In carrying out the  
 22               program, the task force shall—

23               “(I) survey owners of watercraft  
 24               transported westward across the

1                   100th meridian to determine the  
2                   States of origin of most such owners;

3                   “(II) provide information directly  
4                   to watercraft owners concerning the  
5                   importance of cleaning watercraft car-  
6                   rying live organisms before trans-  
7                   porting the watercraft; and

8                   “(III) support education and in-  
9                   formation programs of the States of  
10                  origin to ensure that the State pro-  
11                  grams address westward spread.

12                  “(D) INFORMATION AND EDUCATION PRO-  
13                  GRAM BY NATIONAL PARK SERVICE.—The Sec-  
14                  retary of the Interior, acting through the Direc-  
15                  tor of the National Park Service, shall develop  
16                  a program to provide public outreach and other  
17                  educational activities to prevent the spread of  
18                  aquatic invasive species by recreational  
19                  watercraft in parkland or through events spon-  
20                  sored by the National Park Service.

21                  “(3) OUTREACH TO INDUSTRY.—The Task  
22                  Force, in conjunction with the Invasive Species  
23                  Council, shall carry out activities to inform and pro-  
24                  mote voluntary cooperation and regulatory compli-  
25                  ance by members of the national and international



1 maritime, horticultural, aquarium, aquaculture, pet  
 2 trade, and other appropriate industries with screen-  
 3 ing, monitoring, and control of the transportation of  
 4 aquatic invasive species.

5 “(4) PUBLIC ACCESS TO MONITORING INFORMA-  
 6 TION.—The Task Force, the Invasive Species Coun-  
 7 cil, and other relevant agencies, shall maintain infor-  
 8 mation on the Internet regarding—

9 “(A) the best approaches for the public  
 10 and private interests to use in assisting with  
 11 national early detection and monitoring of  
 12 aquatic invasive species in waters of the United  
 13 States;

14 “(B) contact locations for joining a na-  
 15 tional network of monitoring stations;

16 “(C) approved State Management Plans  
 17 under section 1204(a) and Rapid Response  
 18 Contingency Strategies under subsections (b)  
 19 and (c) of section 1211; and

20 “(D) the list of potential invaders under  
 21 section 1201(a)(4).”.

22 **SEC. 111. ECOLOGICAL AND PATHWAY RESEARCH.**

23 (a) IN GENERAL.—The administering agencies shall  
 24 develop and conduct a marine and fresh-water research  
 25 program which shall include ecological and pathway sur-

veys and experimentation to detect nonnative aquatic species in aquatic ecosystems and to assess rates and patterns of introductions of nonnative aquatic species in aquatic ecosystems. The goal of this marine and freshwater research program shall be to support efforts to prevent the introduction of, detect, and eradicate invasive species through informing early detection and rapid response efforts, informing relevant policy decisions, and assessing the effectiveness of implemented policies to prevent the introduction and spread of aquatic invasive species. Surveys and experiments under this subsection shall be commenced not later than 18 months after the date of enactment of this Act.

(b) **PROTOCOL DEVELOPMENT.**—The administering agencies shall establish standardized protocols for conducting ecological and pathway surveys of nonnative aquatic species under subsection (a) that are integrated and produce comparable data. Protocols shall, as practicable, be integrated with existing protocols and data collection methods. In developing the protocols under this subsection, the administering agencies shall draw on the recommendations gathered at the workshop under subsection (g). The protocols shall be peer reviewed, and revised as necessary. Protocols shall be completed within 1 year after the date of enactment of this Act.

1       (c) ECOLOGICAL AND PATHWAY SURVEY REQUIRE-  
2       MENTS.—(1) Each ecological survey conducted under sub-  
3       section (a) shall, at a minimum—

4               (A) document baseline ecological information of  
5       the aquatic ecosystem including, to the extent prac-  
6       ticable, a comprehensive inventory of native species,  
7       nonnative species, and species of unknown origin  
8       present in the ecosystem, as well as the chemical  
9       and physical characteristics of the water and under-  
10      lying substrate;

11             (B) for nonnative species, gather information to  
12      assist in identifying their life history, environmental  
13      requirements and tolerances, the historic range of  
14      their native ecosystems, and their history of spread-  
15      ing from their native ecosystems;

16             (C) track the establishment of nonnative species  
17      including information about the estimated abun-  
18      dance of nonnative organisms in order to allow an  
19      analysis of the probable date of introduction of the  
20      species; and

21             (D) identify the likely pathway of entry of non-  
22      native species.

23       (2) Each pathway survey conducted under this sec-  
24      tion shall, at a minimum—

1           (A) identify what nonnative aquatic species are  
 2           being introduced or may be introduced through the  
 3           pathways under consideration;

4           (B) determine the quantities of organisms being  
 5           introduced through the pathways under consider-  
 6           ation; and

7           (C) determine the practices that contributed to  
 8           or could contribute to the introduction of nonnative  
 9           aquatic species through the pathway under consider-  
 10          ation.

11          (d) NUMBER AND LOCATION OF SURVEY SITES.—  
 12          The administering agencies shall designate the number  
 13          and location of survey sites necessary to carry out marine  
 14          and freshwater research required under this section. In  
 15          establishing sites under this subsection or subsection (e),  
 16          emphasis shall be on the geographic diversity of sites, as  
 17          well as the diversity of the human uses and biological char-  
 18          acteristics of sites.

19          (e) COMPETITIVE GRANT PROGRAM.—The National  
 20          Oceanic and Atmospheric Administration and the United  
 21          States Geological Survey shall jointly administer a pro-  
 22          gram to award competitive, peer-reviewed grants to aca-  
 23          demic institutions, State agencies, and other appropriate  
 24          groups, in order to assist in carrying out subsection (a),  
 25          and shall include to the maximum extent practicable di-

1 verse institutions, including Historically Black Colleges  
2 and Universities and those serving large proportions of  
3 Hispanics, Native Americans, Asian-Pacific Americans, or  
4 other underrepresented populations.

5 (f) SHIP PATHWAY SURVEYS.—Section  
6 1102(b)(2)(B)(ii) of the Nonindigenous Aquatic Nuisance  
7 Prevention and Control Act of 1990 (16 U.S.C.  
8 4712(b)(2)(B)(ii)) is amended to read as follows:

9 “(ii) examine other potential modes  
10 for the introduction of nonnative aquatic  
11 species by ship, including hull fouling.”.

12 (g) WORKSHOP.—In order to support the develop-  
13 ment of the protocols and design for the surveys under  
14 subsections (b) and (c), and to determine how to obtain  
15 consistent, comparable data across a range of ecosystems,  
16 the administering agencies shall convene at least 1 work-  
17 shop with appropriate researchers and representatives in-  
18 volved in the management of aquatic invasive species from  
19 Federal and State agencies and academic institutions to  
20 gather recommendations. The administering agencies shall  
21 make the results of the workshop widely available to the  
22 public. The workshop shall be held within 180 days after  
23 the date of enactment of this Act.

24 (h) EXPERIMENTATION.—The administering agen-  
25 cies shall conduct research to identify the relationship be-

1 tween the introduction and establishment of nonnative  
2 aquatic species, including those legally introduced, and the  
3 circumstances necessary for those species to become  
4 invasive.

5 (i) NATIONAL PATHWAY AND ECOLOGICAL SURVEYS  
6 DATABASE.—

7 (1) IN GENERAL.—The United States Geologi-  
8 cal Survey shall develop, maintain, and update, in  
9 consultation and cooperation with the Smithsonian  
10 Institution (acting through the Smithsonian Envi-  
11 ronmental Research Center), the National Oceanic  
12 and Atmospheric Administration, and the Task  
13 Force, a central, national database of information  
14 concerning information collected under this section.

15 (2) REQUIREMENTS.—The database shall—

16 (A) be widely available to the public;

17 (B) be updated not less than once a quar-  
18 ter;

19 (C) be coordinated with existing databases,  
20 both domestic and foreign, collecting similar in-  
21 formation; and

22 (D) be, to the maximum extent practicable,  
23 formatted such that the data is useful for both  
24 researchers and Federal and State employees  
25 managing relevant invasive species programs.

1 **SEC. 112. ANALYSIS.**

2 (a) INVASION ANALYSIS.—

3 (1) IN GENERAL.—Not later than 3 years after  
4 the date of enactment of this Act, and every year  
5 thereafter, the administering agencies shall analyze  
6 data collected under section 5 and other relevant re-  
7 search on the rates and patterns of invasions by  
8 aquatic invasive species in waters of the United  
9 States. The purpose of this analysis shall be to use  
10 the data collected under section 5 and other relevant  
11 research to support efforts to prevent the introduc-  
12 tion of, detect, and eradicate invasive species  
13 through informing early detection and rapid re-  
14 sponse efforts, informing relevant policy decisions,  
15 and assessing the effectiveness of implemented poli-  
16 cies to prevent the introduction and spread of  
17 invasive species.

18 (2) CONTENTS.—The analysis required under  
19 paragraph (1) shall include with respect to aquatic  
20 invasive species—

21 (A) an analysis of pathways, including—

22 (i) identifying, and characterizing as  
23 high, medium, or low risk, pathways re-  
24 gionally and nationally;

25 (ii) identifying new and expanding  
26 pathways;

1 (iii) identifying handling practices  
2 that contribute to the introduction of spe-  
3 cies in pathways; and

4 (iv) assessing the risk that species le-  
5 gally introduced into the United States  
6 pose for introduction into aquatic eco-  
7 systems;

8 (B) patterns and rates of invasion and sus-  
9 ceptibility to invasion of various bodies of  
10 water;

11 (C) how the risk of establishment through  
12 a pathway is related to the identity and number  
13 of organisms transported;

14 (D) rates of spread and numbers and types  
15 of pathways of spread of new populations of the  
16 aquatic invasive species and an estimation of  
17 the potential spread and distribution of newly  
18 introduced invasive species based on their envi-  
19 ronmental requirements and historical distribu-  
20 tion;

21 (E) documentation of factors that influ-  
22 ence an ecosystem's vulnerability to a nonnative  
23 aquatic species becoming invasive;



1 (F) a description of the potential for, and  
 2 impacts of, pathway management programs on  
 3 invasion rates;

4 (G) recommendations for improvements in  
 5 the effectiveness of pathway management;

6 (H) to the extent practical, a determina-  
 7 tion of the level of reduction in live organisms  
 8 of various taxonomic groups required to reduce  
 9 the risk of establishment to receiving aquatic  
 10 ecosystems to an acceptable level; and

11 (I) an evaluation of the effectiveness of  
 12 management actions (including any standard)  
 13 at preventing nonnative species introductions  
 14 and establishment.

15 (b) RESEARCH TO ASSESS THE POTENTIAL OF THE  
 16 ESTABLISHMENT OF INTRODUCED SPECIES.—Within 2  
 17 years after the date of enactment of this Act, the admin-  
 18 istering agencies shall develop a profile, based on the gen-  
 19 eral characteristics of invasive species and vulnerable eco-  
 20 systems, in order to predict, to the extent practical, wheth-  
 21 er a species planned for importation is likely to invade a  
 22 particular aquatic ecosystem if introduced. In developing  
 23 the profile, the above agencies shall analyze the research  
 24 conducted under section 5, and other research as nec-  
 25 essary, to determine general species and ecosystem charac-

1 teristics (taking into account the opportunity for introduc-  
2 tion into any ecosystem) and circumstances that can lead  
3 to establishment. Based on the profile, the Task Force  
4 shall make recommendations to the Invasive Species Coun-  
5 cil as to what planned importations of nonnative aquatic  
6 organisms should be restricted. This profile shall be peer-  
7 reviewed.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated for carrying out this sec-  
10 tion and section 5 of this Act, and section 1102(b)(2) of  
11 the Nonindigenous Aquatic Nuisance Prevention and Con-  
12 trol Act of 1990 (16 U.S.C. 4712(b)(2)) for each of the  
13 fiscal years 2006 through 2010—

14 (1) \$4,000,000 for the Smithsonian Environ-  
15 mental Research Center;

16 (2) \$11,000,000 for the United States Geologi-  
17 cal Survey (including activities through the Coopera-  
18 tive Fish and Wildlife Research Program), of which  
19 \$6,500,000 shall be for the grant program under  
20 section 5(e), and of which \$500,000 shall be for de-  
21 veloping, maintaining, and updating the database  
22 under section 5(i); and

23 (3) \$10,500,000 for the National Oceanic and  
24 Atmospheric Administration, of which \$6,500,000  
25 shall be for the grant program under section 5(e).

1 **SEC. 113. DISSEMINATION.**

2 (a) IN GENERAL.—The Invasive Species Council, in  
3 coordination with the Task Force and the administering  
4 agencies, shall be responsible for disseminating the infor-  
5 mation collected under this Act to the public, including  
6 Federal, State, and local entities, relevant policymakers,  
7 and private researchers with responsibility over or interest  
8 in aquatic invasive species.

9 (b) REPORT TO CONGRESS.—Not later than 3 years  
10 after the date of enactment of this Act, the Invasive Spe-  
11 cies Council shall report actions and findings under sec-  
12 tion 6 to the Congress, and shall update this report once  
13 every 3 years thereafter, or more often as necessary.

14 (c) RESPONSE STRATEGY.—The Invasive Species  
15 Council, in coordination with the Task Force, the admin-  
16 istering agencies, and other appropriate Federal and State  
17 agencies, shall develop and implement a national strategy  
18 for how information collected under this Act will be shared  
19 with Federal, State, and local entities with responsibility  
20 for determining response to the introduction of potentially  
21 invasive aquatic species, to enable those entities to better  
22 and more rapidly respond to such introductions.

23 (d) PATHWAY PRACTICES.—The Invasive Species  
24 Council, in coordination with the Task Force and the ad-  
25 ministering agencies, shall disseminate information to,  
26 and develop an ongoing educational program for, pathway

1 users (including vendors and customers) on how their  
2 practices could be modified to prevent the intentional or  
3 unintentional introduction of nonnative aquatic species  
4 into aquatic ecosystems.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to the Secretary of the  
7 Interior for each of the fiscal years 2006 through 2010  
8 \$500,000 for the Invasive Species Council for carrying out  
9 this section.

10 **SEC. 114. TECHNOLOGY DEVELOPMENT, DEMONSTRATION,**  
11 **AND VERIFICATION.**

12 (a) ENVIRONMENTALLY SOUND TECHNOLOGY DE-  
13 VELOPMENT, DEMONSTRATION, AND VERIFICATION.—

14 (1) GRANT PROGRAM.—Not later than 1 year  
15 after the date of enactment of this Act, the Environ-  
16 mental Protection Agency, acting through the Office  
17 of Research and Development, in consultation with  
18 the Army Corps of Engineers, the administering  
19 agencies, and the Task Force, shall develop and  
20 begin administering a grant program to fund re-  
21 search, development, demonstration, and verification  
22 of environmentally sound cost-effective technologies  
23 and methods to control and eradicate aquatic  
24 invasive species.

1           (2) PURPOSES.—Proposals funded under this  
2 subsection shall—

3           (A) seek to support Federal, State, or local  
4 officials’ ongoing efforts to control and eradi-  
5 cate aquatic invasive species in an environ-  
6 mentally sound manner;

7           (B) increase the number of environ-  
8 mentally sound technologies or methods Fed-  
9 eral, State, or local officials may use to control  
10 or eradicate aquatic invasive species;

11           (C) provide for demonstration or dissemi-  
12 nation of the technology or method to potential  
13 end-users; and

14           (D) verify that any technology or method  
15 meets any appropriate criteria developed for ef-  
16 fectiveness and environmental soundness by the  
17 Environmental Protection Agency.

18           (3) PREFERENCE.—The Administrator shall  
19 give preference to proposals that will likely meet any  
20 appropriate criteria developed for environmental  
21 soundness by the Environmental Protection Agency.

22           (4) MERIT REVIEW.—Grants shall be awarded  
23 under this subsection through a competitive, peer-re-  
24 viewed process.

1           (5) REPORT.—Not later than 3 years after the  
 2           date of enactment of this Act, the Administrator  
 3           shall prepare and submit a report to Congress on  
 4           the program conducted under this subsection. The  
 5           report shall include findings and recommendations  
 6           of the Administrator with regard to technologies and  
 7           methods.

8           (b) SHIP PATHWAY TECHNOLOGY DEMONSTRATION.—

10           (1) REAUTHORIZATION OF PROGRAM.—Section  
 11           1301(e) of the Nonindigenous Aquatic Nuisance  
 12           Prevention and Control Act of 1990 (16 U.S.C.  
 13           4741(e)) is amended by striking “\$2,500,000” and  
 14           inserting “\$7,500,000 for each of the fiscal years  
 15           2006 through 2010”.

16           (2) EXPANSION OF PROGRAM.—Section 1104(b)  
 17           of the Nonindigenous Aquatic Nuisance Prevention  
 18           and Control Act of 1990 (16 U.S.C. 4714(b)) is  
 19           amended—

20                   (A) by redesignating paragraphs (4) and  
 21                   (5) as paragraphs (5) and (6), respectively; and

22                   (B) by inserting after paragraph (3) the  
 23                   following new paragraph:

24                   “(4) ADDITIONAL PURPOSES.—The Secretary  
 25                   of the Interior and the Secretary of Commerce may

1       also demonstrate and verify technologies under this  
2       subsection to monitor and control pathways of orga-  
3       nism transport on ships other than through ballast  
4       water.”.

5           (3) CRITERIA AND WORKSHOP.—Section 1104  
6       of the Nonindigenous Aquatic Nuisance Prevention  
7       and Control Act of 1990 (16 U.S.C. 4714) is  
8       amended by adding at the end the following new  
9       subsections:

10       “(d) CRITERIA.—When issuing grants under this sec-  
11      tion, the National Oceanic and Atmospheric Administra-  
12      tion shall give preference to those technologies that will  
13      likely meet the criteria laid out in any testing protocol de-  
14      veloped by the Environmental Protection Agency Office of  
15      Research and Development’s Environmental Technology  
16      Verification Program.

17       “(e) WORKSHOP.—The National Oceanic and Atmos-  
18      pheric Administration shall hold an annual workshop of  
19      principal investigators funded under this section and re-  
20      searchers conducting research directly related to ship  
21      pathway technology development, for information ex-  
22      change, and shall make the proceedings widely available  
23      to the public.”.

24       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
25      are authorized to be appropriated for each of the fiscal

1 years 2006 through 2010 \$2,500,000 for the Environ-  
2 mental Protection Agency to carry out subsection (a).

3 **SEC. 115. RESEARCH TO SUPPORT THE SETTING AND IM-**  
4 **PLEMENTATION OF SHIP PATHWAY STAND-**  
5 **ARDS.**

6 (a) RESEARCH PROGRAM.—The Coast Guard and the  
7 Environmental Protection Agency, in coordination with  
8 the National Oceanic and Atmospheric Administration,  
9 the Task Force, and other appropriate Federal agencies  
10 and academic researchers, shall develop a coordinated re-  
11 search program to support the promulgation and imple-  
12 mentation of standards to prevent the introduction and  
13 spread of invasive species by ships that shall include—

14 (1) characterizing physical, chemical, and bio-  
15 logical harbor conditions relevant to ballast dis-  
16 charge into United States waters to inform the de-  
17 sign and implementation of ship vector control tech-  
18 nologies and practices;

19 (2) developing testing protocols for determining  
20 the effectiveness of vector monitoring and control  
21 technologies and practices;

22 (3) researching and demonstrating methods for  
23 mitigating the spread of invasive species by coastal  
24 voyages, including exploring the effectiveness of al-  
25 ternative exchange zones in the near coastal areas



1 and other methods proposed to reduce transfers of  
2 organisms;

3 (4) verifying the practical effectiveness of any  
4 type approval process to ensure that the process pro-  
5 duces repeatable and accurate assessments of treat-  
6 ment effectiveness; and

7 (5) evaluating the effectiveness and residual  
8 risk and environmental impacts associated with any  
9 standard set with respect to the ship pathway  
10 through experimental research.

11 (b) WORKING GROUP.—Not later than 2 years after  
12 the issuance by the Coast Guard of any standard relating  
13 to the introduction by ships of invasive species, the Coast  
14 Guard shall convene a working group including the Envi-  
15 ronmental Protection Agency, the administering agencies,  
16 and other appropriate Federal and State agencies and aca-  
17 demic researchers, to evaluate the effectiveness of that  
18 standard and accompanying implementation protocols.  
19 The duties of the working group shall, at a minimum, in-  
20 clude—

21 (1) reviewing the effectiveness of the standard  
22 in reducing the establishment of invasive species in  
23 aquatic ecosystems, taking into consideration the  
24 data collected under section 5; and

1           (2) developing recommendations to the Coast  
 2       Guard for the revision of such standard and type ap-  
 3       proval process to ensure effectiveness in reducing in-  
 4       troductions and accurate shipboard monitoring of  
 5       treatment performance that is simple and stream-  
 6       lined, which shall be made widely available to the  
 7       public.

8       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 9       are authorized to be appropriated for each of the fiscal  
 10      years 2006 through 2010 \$1,500,000 for the Coast Guard  
 11      and \$1,500,000 for the Environmental Protection Agency  
 12      to carry out subsection (a).

13   **SEC. 116. RESEARCH IN SYSTEMATICS AND TAXONOMY.**

14       (a) IN GENERAL.—The National Science Foundation  
 15      shall establish a program to award grants to researchers  
 16      at institutions of higher education and museums to carry  
 17      out research programs in systematics and taxonomy.

18       (b) GOALS.—The goals of the program under this  
 19      section are to—

- 20           (1) encourage scientists to pursue careers in
- 21           systematics and taxonomy to ensure a continuing
- 22           knowledge base in these disciplines;
- 23           (2) ensure that there will be adequate expertise
- 24           in systematics and taxonomy to support Federal,
- 25           State, and local needs to identify species;

1           (3) develop this expertise throughout the United  
2       States with an emphasis on regional diversity; and

3           (4) draw on existing expertise in systematics  
4       and taxonomy at institutions of higher education  
5       and museums to train the next generation of system-  
6       atists and taxonomists.

7       (c) CRITERIA.—Grants shall be awarded under this  
8       section on a merit-reviewed competitive basis. Emphasis  
9       shall be placed on funding proposals in a diverse set of  
10      ecosystems and geographic locations, and, when applica-  
11      ble, integrated with the United States Long Term Ecologi-  
12      cal Research Network. Preference shall be given to pro-  
13      posals that will include student participation, and to insti-  
14      tutions and museums that actively train students to be-  
15      come experts in taxonomy and systematics.

16      (d) AUTHORIZATION OF APPROPRIATIONS.—There  
17      are authorized to be appropriated to the National Science  
18      Foundation for carrying out this section \$2,500,000 for  
19      each of the fiscal years 2006 through 2010.

20   **SEC. 117. STATE PROGRAMS.**

21      (a) PLAN.—The administering agencies, in coopera-  
22      tion with the appropriate State agencies, shall develop a  
23      plan to—

1           (1) conduct a survey of methods States and  
2       Federal agencies are using to control or eradicate  
3       aquatic invasive species;

4           (2) facilitate the exchange of information  
5       among States and Federal agencies on methods  
6       States or Federal agencies have found to be effective  
7       at controlling or eradicating aquatic invasive species  
8       and the costs of those methods; and

9           (3) evaluate the cost-effectiveness of the various  
10      methods States and Federal agencies are using to  
11      control or eradicate aquatic invasive species.

12      (b) REPORT.—Not later than 1 year after the date  
13      of enactment of this Act, the administering agencies shall  
14      jointly transmit to the Congress the plan described in sub-  
15      section (a) and the expected costs of carrying out the plan.

16      **SEC. 118. PROGRAM COORDINATION.**

17      (a) MEMBERSHIP OF TASK FORCE.—Section 1201(b)  
18      of the Nonindigenous Aquatic Nuisance Prevention and  
19      Control Act of 1990 (16 U.S.C. 4721) is amended—

20           (1) in paragraph (6), by striking “and” at the  
21      end;

22           (2) by redesignating paragraph (7) as para-  
23      graph (12); and

24           (3) by inserting after paragraph (6) the fol-  
25      lowing:

1 “(7) the Director of the United States Geologi-  
2 cal Survey;

3 “(8) the Director of the Smithsonian Environ-  
4 mental Research Center;

5 “(9) the Secretary of State;

6 “(10) the Secretary of Transportation;

7 “(11) the Secretary of Homeland Security;  
8 and”.

9 (b) COORDINATION WITH INVASIVE SPECIES COUN-  
10 CIL.—Section 1201(f) of the Nonindigenous Aquatic Nui-  
11 sance Prevention and Control Act of 1990 (16 U.S.C.  
12 4721(f)) is amended—

13 (1) by striking “Each Task Force member” and  
14 inserting the following:

15 “(1) IN GENERAL.—Each member of the Task  
16 Force”; and

17 (2) by adding at the end the following:

18 “(2) INVASIVE SPECIES COUNCIL.—The  
19 Invasive Species Council shall—

20 “(A) coordinate and cooperate with the  
21 Task Force in carrying out the duties of the  
22 Invasive Species Council relating to aquatic  
23 invasive species;

24 “(B) not later than 2 years after the date  
25 of enactment of the National Aquatic Invasive

Species Act of 2006, and every 3 years thereafter, submit to Congress a report that summarizes the status of the conduct of activities authorized by and required under this Act; and

“(C) establish any regional panels or task forces in coordination with the regional panels of the Task Force convened under section 1203.”.

(c) COORDINATION WITH OTHER PROGRAMS.—Section 1202(c) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(c)) is amended by adding at the end the following:

“(3) RECOMMENDATIONS FOR LISTS.—

“(A) IN GENERAL.—The Task Force shall annually recommend to Federal agencies of jurisdiction such additions of aquatic invasive species as the Task Force determines to be appropriate for inclusion on—

“(i) any list of species of wildlife covered by section 42 of title 18, United States Code (including regulations); or

“(ii) any list of noxious weeds under the Plant Protection Act (7 U.S.C. 7701 et seq.) (including regulations promulgated under that Act contained in part 360 of

1 title 7, Code of Federal Regulations (or  
2 any successor regulations)).

3 “(B) PROCESS.—The Task Force may use  
4 the screening process developed pursuant to  
5 section 1105 to identify species pursuant to  
6 subparagraph (A).”.

7 (d) REGIONAL COORDINATION.—Section 1203 of the  
8 Nonindigenous Aquatic Nuisance Prevention and Control  
9 Act of 1990 (16 U.S.C. 4723) is amended by adding at  
10 the end the following:

11 “(d) ANNUAL INTER-REGIONAL MEETING.—The  
12 Task Force shall annually convene all regional panels es-  
13 tablished pursuant to this Act for the purpose of informa-  
14 tion transfer between and among panels, and between the  
15 panels and the Task Force, regarding aquatic invasive  
16 species management.

17 “(e) ORGANIZATIONS.—

18 “(1) IN GENERAL.—An interstate organization  
19 that has a Federal charter authorized by law or ex-  
20 ecutive order for purposes of fisheries or natural re-  
21 source management may develop and implement—

22 “(A) regional aquatic invasive species man-  
23 agement plans; and

24 “(B) rapid response activities that are—

1 “(i) requested by the Governors of the  
2 member States of the organization; and

3 “(ii) consistent with any relevant  
4 State aquatic invasive species management  
5 plans.

6 “(2) FUNDS.—The interstate organization may  
7 receive funds under this Act to implement activities  
8 under the regional aquatic invasive species manage-  
9 ment plan of the organization.”.

10 (e) STATE AQUATIC INVASIVE SPECIES MANAGE-  
11 MENT PLANS.—Section 1204(a) of the Nonindigenous  
12 Aquatic Nuisance Prevention and Control Act of 1990 (16  
13 U.S.C. 4724(a)) is amended—

14 (1) in paragraph (2)—

15 (A) in subparagraph (A), by inserting be-  
16 fore the semicolon at the end the following: “,  
17 including, in accordance with guidelines issued  
18 by the Task Force under paragraph (5)—

19 “(i) rapid assessment and response  
20 contingency strategies under section 1211;

21 “(ii) early detection strategies under  
22 section 1211(b)(4);

23 “(iii) aquatic plant control programs  
24 conducted pursuant to other laws; and



1 “(iv) screening of planned introduc-  
2 tions pursuant to section 1105”; and

3 (B) in subparagraph (D), by inserting “in-  
4 clude” after “(D)”; and

5 (2) by adding at the end the following:

6 “(5) GUIDELINES.—

7 “(A) IN GENERAL.—Not later than 1 year  
8 after the date of enactment of the National  
9 Aquatic Invasive Species Act of 2006, the Task  
10 Force shall amend the guidelines of the Task  
11 Force for the development of plans under this  
12 subsection, including guidelines for reporting  
13 progress in implementing the plans, to encour-  
14 age consistency in implementation of and re-  
15 porting under those plans.

16 “(B) GUIDELINES.—The guidelines pub-  
17 lished under subparagraph (A) shall include, for  
18 the purpose of paragraph (2)(A), guidelines  
19 concerning—

20 “(i) rapid response contingency strate-  
21 gies under section 1211;

22 “(ii) early detection strategies under  
23 section 1211(b)(4);

24 “(iii) aquatic plant control programs  
25 conducted pursuant to other laws;

1 “(iv) screening of planned introduc-  
2 tions pursuant to section 1105; and

3 “(v) the review and revision of re-  
4 quirements of this subsection and the re-  
5 approval process under this subsection.

6 “(6) RELATIONSHIP TO OTHER PLANS.—

7 “(A) IN GENERAL.—A plan approved  
8 under paragraph (4) shall be deemed to meet  
9 any State planning requirement of the program  
10 established under section 104 of the River and  
11 Harbor Act of 1958 (33 U.S.C. 610) for a plan  
12 to control noxious aquatic plant growths.

13 “(B) ENFORCEMENT.—Funds provided to  
14 States for implementation of plans pursuant to  
15 section 1204 may be used by States to enforce  
16 requirements relating to aquatic invasive species  
17 under the Plant Protection Act (7 U.S.C. 7701  
18 et seq.) (including regulations promulgated  
19 under that Act contained in part 360 of title 7,  
20 Code of Federal Regulations (or any successor  
21 regulations)).

22 “(7) ELIGIBILITY OF EXISTING PLANS.—A plan  
23 approved under this section as of the day imme-  
24 diately before the date of enactment of the National

1 Aquatic Invasive Species Act of 2006 shall be eligi-  
2 ble to receive a grant awarded under this section.

3 “(8) REVIEW AND REVISION.—

4 “(A) IN GENERAL.—Each State shall peri-  
5 odically review and, as necessary, revise the  
6 management plan of the State in accordance  
7 with guidelines of the Task Force.

8 “(B) UPDATE OF EXISTING PLANS.—A  
9 plan approved under this section as of the day  
10 immediately before the date of enactment of the  
11 National Aquatic Invasive Species Act of 2006  
12 shall be updated after the date of enactment of  
13 the National Aquatic Invasive Species Act of  
14 2006 to conform to the guidelines published  
15 under paragraph (5).

16 “(9) OTHER STATE MANAGEMENT PLANS.—In  
17 addition to the management plans required under  
18 this subsection, the Director shall encourage each  
19 State to develop and implement new, and expand ex-  
20 isting, State management plans to improve State ac-  
21 tions to prevent and control aquatic invasive spe-  
22 cies.”.

23 (f) GRANT PROGRAM.—Section 1204(b)(1) of the  
24 Nonindigenous Aquatic Nuisance Prevention and Control  
25 Act of 1990 (16 U.S.C. 4724(b)(1)) is amended by strik-

1 ing “subsection (a) for the implementation of those  
2 plans.” and inserting the following: “subsection (a)—

3 “(A) to develop those plans with a total  
4 amount that does not exceed 10 percent of the  
5 amounts made available for grants under this  
6 section for each fiscal year; and

7 “(B) to implement those plans.”.

8 **SEC. 119. INTERNATIONAL COORDINATION.**

9 (a) IN GENERAL.—Subtitle E of the Nonindigenous  
10 Aquatic Nuisance Prevention and Control Act of 1990 (16  
11 U.S.C. 4751 et seq.) is amended—

12 (1) by striking the subtitle heading and insert-  
13 ing the following:

14 **“Subtitle E—Administration”;**

15 and

16 (2) by adding at the end the following:

17 **“SEC. 1402. INTERNATIONAL COORDINATION.**

18 “(a) IN GENERAL.—The Task Force, the Invasive  
19 Species Council, and the Secretary of State shall, to the  
20 maximum extent practicable, ensure that international ef-  
21 forts to prevent, detect, monitor, assess, and control  
22 aquatic invasive species (including through the Inter-  
23 national Maritime Organization, the International Con-  
24 vention on the Exploration of the Sea, the Global Invasive  
25 Species Program, and other appropriate programs) are co-

1   ordinated with policies of the United States established by  
2   this Act.

3       “(b) COORDINATION WITH NEIGHBORING COUN-  
4   TRIES.—

5           “(1) IN GENERAL.—The Task Force, in con-  
6   sultation with the Secretary of State, shall include in  
7   the report required by section 1202(m) a description  
8   of the means by which international agreements and  
9   regulations with countries that share a border with  
10   the United States will be implemented and enforced  
11   by Federal agencies (including a clarification of the  
12   roles and responsibilities of those agencies).

13          “(2) NEGOTIATIONS.—As soon as practicable  
14   after the date of enactment of the National Aquatic  
15   Invasive Species Act of 2006, the Secretary of State  
16   may enter into negotiations with—

17           “(A) Canada to issue a request that the  
18   International Joint Commission, not later than  
19   18 months after the date of enactment of that  
20   Act, review, research, conduct hearings on, and  
21   submit to the parties represented on the Inter-  
22   national Joint Commission a report that de-  
23   scribes the success of current policies of govern-  
24   ments in the United States and Canada having  
25   jurisdiction over the Great Lakes in antici-

1           pating and preventing biological invasions of  
2           the aquatic ecosystem in the Great Lakes, in-  
3           cluding—

4                   “(i) an analysis of current Federal,  
5                   State or Provincial, local, and international  
6                   laws, enforcement practices, and agree-  
7                   ments;

8                   “(ii) an analysis of prevention efforts  
9                   relating to all likely pathways for biological  
10                  invasions of the aquatic ecosystem in the  
11                  Great Lakes; and

12                  “(iii) recommendations of the Inter-  
13                  national Joint Commission for means by  
14                  which to improve and harmonize the poli-  
15                  cies and enforcement practices referred to  
16                  in clause (i); and

17                  “(B) Mexico, to ensure coordination of ef-  
18                  forts of the United States with efforts of Mex-  
19                  ico to manage invasive species established in the  
20                  United States-Mexico border region.”.

21   **SEC. 120. AUTHORIZATION OF APPROPRIATIONS.**

22           Section 1301 of the Nonindigenous Aquatic Nuisance  
23   Prevention and Control Act of 1990 (16 U.S.C. 4741) is  
24   amended to read as follows:

1 **“SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—Except as otherwise provided in  
3 this section, there are authorized to be appropriated such  
4 sums as are necessary to carry out this Act for each of  
5 fiscal years 2007 through 2011.

6 “(b) TASK FORCE AND AQUATIC INVASIVE SPECIES  
7 PROGRAM.—There are authorized to be appropriated for  
8 each of fiscal years 2007 through 2011—

9 “(1) \$8,000,000, to carry out activities of the  
10 Task Force under section 1202, of which—

11 “(A) \$4,000,000 shall be used by the Di-  
12 rector;

13 “(B) \$3,000,000 shall be used by the Na-  
14 tional Oceanic and Atmospheric Administration;  
15 and

16 “(C) \$1,000,000 shall be used by the  
17 Invasive Species Council;

18 “(2) \$30,000,000, to provide grants under sec-  
19 tion 1204(b);

20 “(3) \$3,000,000, to provide assistance to the  
21 regional panels of the Task Force; and

22 “(4) \$1,000,000, to be used by the Director to  
23 carry out section 1105(g).

24 “(c) INTERNATIONAL COORDINATION.—There is au-  
25 thorized to be appropriated to the Department of State

1 to carry out section 1403 \$1,000,000 for each of fiscal  
2 years 2007 through 2011.

3 “(d) PREVENTION OF INTRODUCTION BY VESSELS  
4 OF AQUATIC INVASIVE SPECIES INTO WATERS OF THE  
5 UNITED STATES.—There are authorized to be appro-  
6 priated for each of fiscal years 2007 through 2011—

7 “(1) \$6,000,000, to be used by the Secretary to  
8 carry out section 1101;

9 “(2) \$2,500,000, to be used by the Adminis-  
10 trator to carry out section 1101; and

11 “(3) \$2,750,000, to be used by the Task Force  
12 to carry out section 1101, of which—

13 “(A) \$1,500,000 shall be used by the Di-  
14 rector; and

15 “(B) \$1,250,000 shall be used by the Na-  
16 tional Oceanic and Atmospheric Administration.

17 “(e) PREVENTION OF THE INTRODUCTION BY NON-  
18 VESSEL PATHWAYS OF AQUATIC INVASIVE SPECIES INTO  
19 WATERS OF THE UNITED STATES.—There are authorized  
20 to be appropriated for each of fiscal years 2007 through  
21 2011—

22 “(1) \$5,000,000, to carry out the priority path-  
23 way management program under section 1210, of  
24 which—



1           “(A) \$2,000,000 shall be used by the Na-  
2           tional Oceanic and Atmospheric Administration;  
3           and

4           “(B) \$3,000,000 shall be used by the Di-  
5           rector;

6           “(2) \$1,000,000, to be used by the Invasive  
7           Species Council to establish screening guidelines  
8           under section 1105(b); and

9           “(3) \$3,500,000, to be used by the Director to  
10          promulgate and implement screening requirements  
11          under section 1105(g).

12          “(f) EARLY DETECTION AND MONITORING.—There  
13          is authorized to be appropriated, to carry out early detec-  
14          tion, monitoring, and survey planning and implementation  
15          under section 1106, \$2,000,000 for each of fiscal years  
16          2007 and 2008 and \$10,000,000 for each of fiscal years  
17          2009 through 2011, of which—

18               “(1) for each of fiscal years 2007 and 2008—

19                   “(A) \$1,000,000 shall be used by the Na-  
20                   tional Oceanic and Atmospheric Administration;  
21                   and

22                   “(B) \$1,000,000 shall be used by the Di-  
23                   rector; and

24               “(2) for each of fiscal years 2009 through  
25          2011—

1           “(A) \$5,000,000 shall be used by the Na-  
2           tional Oceanic and Atmospheric Administration;  
3           and

4           “(B) \$5,000,000 shall be used by the Di-  
5           rector.

6           “(g) CONTAINMENT AND CONTROL.—

7           “(1) RAPID RESPONSE.—There are authorized  
8           to be appropriated for each of fiscal years 2007  
9           through 2011—

10           “(A) \$25,000,000, to the Emergency  
11           Rapid Response Fund established under section  
12           1211(a), to remain available until expended;

13           “(B) \$1,000,000, to be used by the  
14           Invasive Species Council in developing the State  
15           and regional rapid response contingency strat-  
16           egy under section 1211; and

17           “(C) \$1,500,000, to be used for Federal  
18           rapid response teams under section 1211(f), of  
19           which—

20           “(i) \$500,000 shall be used by the  
21           National Oceanic and Atmospheric Admin-  
22           istration; and

23           “(ii) \$1,000,000 shall be used by the  
24           Director.

1           “(2) ENVIRONMENTAL SOUNDNESS.—There is  
 2           authorized to be appropriated for establishment  
 3           under section 1202(j) of criteria for the improve-  
 4           ment of treatment methods for aquatic invasive spe-  
 5           cies \$600,000 for each of fiscal years 2007 through  
 6           2011.

7           “(h) INFORMATION, EDUCATION AND OUTREACH.—  
 8           There are authorized to be appropriated for each of fiscal  
 9           years 2007 through 2011—

10           “(1) \$500,000, to be used by the Secretary of  
 11           the Interior to carry out the information and edu-  
 12           cation program under section 1202(h)(2)(D);

13           “(2) \$750,000, to be used by the Director in  
 14           carrying out the 100th meridian program under sec-  
 15           tion 1202(h)(2)(C);

16           “(3) \$2,000,000, to be used to carry out infor-  
 17           mational and educational activities of the Task  
 18           Force under section 1202(h), of which—

19           “(A) \$1,000,000 shall be used by the Na-  
 20           tional Oceanic and Atmospheric Administration;  
 21           and

22           “(B) \$1,000,000 shall be used by the Di-  
 23           rector; and

1 “(4) \$500,000, to be used by the National Oce-  
 2 anic and Atmospheric Administration to carry out  
 3 section 1202(h)(2)(B)(ii).”.

4 **SEC. 121. CONFORMING AMENDMENTS.**

5 (a) IN GENERAL.—The Nonindigenous Aquatic Nui-  
 6 sance Prevention and Control Act of 1990 is amended—

7 (1) in section 1102 (16 U.S.C. 4712)—

8 (A) in subsection (a), by striking the sub-  
 9 section heading and inserting the following:

10 “(a) STUDIES ON INTRODUCTION OF AQUATIC  
 11 INVASIVE SPECIES BY VESSELS.—”; and

12 (B) in subsection (b)—

13 (i) by striking paragraph (1); and

14 (ii) by redesignating paragraphs (2)

15 and (3) as paragraphs (1) and (2), respec-

16 tively;

17 (2) in subtitle C (16 U.S.C. 4721 et seq.), by

18 striking the subtitle heading and inserting the fol-

19 lowing:

20 **“Subtitle C—Prevention and Con-**  
 21 **trol of Aquatic Invasive Species**  
 22 **Dispersal”;**

23 (3) in section 1201(a) (16 U.S.C. 4721(a)), by

24 striking “Nuisance Species” and inserting “Invasive

25 Species”;

1 (4) in section 1202 (16 U.S.C. 4722), by strik-  
2 ing the section heading and inserting the following:

3 **“SEC. 1202. AQUATIC INVASIVE SPECIES PROGRAM.”;**

4 (5) in section 1204 (16 U.S.C. 4724), by strik-  
5 ing the section heading and inserting the following:

6 **“SEC. 1204. STATE AQUATIC INVASIVE SPECIES MANAGE-  
7 MENT PLANS.”;**

8 and

9 (6) by striking “aquatic nuisance species” each  
10 place it appears and inserting “aquatic invasive spe-  
11 cies”.

12 (b) SHORT TITLE.—

13 (1) Section 1001 of the Nonindigenous Aquatic  
14 Nuisance Prevention and Control Act of 1990 (16  
15 U.S.C. 4701) is amended by striking “Nonindige-  
16 nous Aquatic Nuisance” and inserting “Nonindige-  
17 nous Aquatic Invasive Species”.

18 (2) REFERENCES.—Any reference in a law,  
19 map, regulation, document, paper, or other record of  
20 the United States to the Nonindigenous Aquatic  
21 Nuisance Prevention and Control Act of 1990 shall  
22 be deemed to be a reference to the Nonindigenous  
23 Aquatic Invasive Species Prevention and Control Act  
24 of 1990.

1     **Subtitle B—Asian Carp Prevention**  
 2                     **and Control**

3     **SEC. 125. ADDITION OF SPECIES OF CARP TO THE LIST OF**  
 4                     **INJURIOUS SPECIES THAT ARE PROHIBITED**  
 5                     **FROM BEING IMPORTED OR SHIPPED.**

6             Section 42(a)(1) of title 18, United States Code, is  
 7 amended by inserting after “*Dreissena polymorpha*,” the  
 8 following: “of the black carp of the species  
 9 *Mylopharyngodon piceus*; of the bighead carp of the spe-  
 10 cies *Hypophthalmichthys nobilis*; of the silver carp of the  
 11 species *Hypophthalmichthys molitrix*; of the largescale sil-  
 12 ver carp of the species *Hypophthalmichthys harmandi*”.

13     **SEC. 126. DISPERSAL BARRIERS.**

14             Section 1202 of the Nonindigenous Aquatic Nuisance  
 15 Prevention and Control Act of 1990 (16 U.S.C. 4722) (as  
 16 amended by section 109) is amended—

17             (1) in subsection (i)(3)(C), by striking “, to  
 18 carry out this paragraph, \$750,000” and inserting  
 19 “such sums as are necessary to carry out this para-  
 20 graph”; and

21             (2) by inserting after subsection (j) the fol-  
 22 lowing:

23             “(k) NATIONAL DISPERSAL BARRIER PROGRAM.—

24             “(1) CHICAGO RIVER SHIP AND SANITARY  
 25 CANAL DISPERSAL BARRIER PROJECT.—

1           “(A) EXISTING BARRIER.—The Assistant  
2           Secretary shall upgrade and make permanent,  
3           at full Federal expense, the existing Chicago  
4           sanitary and ship canal dispersal barrier in Chi-  
5           cago, Illinois, constructed as a demonstration  
6           project under subsection (i)(3).

7           “(B) NEW BARRIER.—Notwithstanding the  
8           project cooperation agreement with the State of  
9           Illinois dated November 21, 2003, the Secretary  
10          shall construct, at full Federal expense, the  
11          Chicago sanitary and ship canal dispersal bar-  
12          rier authorized by section 345 of the District of  
13          Columbia Appropriations Act, 2005 (Public  
14          Law 108–335; 118 Stat. 1352).

15          “(C) OPERATION AND MAINTENANCE.—  
16          The Chicago sanitary and ship canal dispersal  
17          barriers described in subparagraphs (A) and  
18          (B) shall be operated and maintained as a sys-  
19          tem by the Corps of Engineers, at full Federal  
20          expense, in such a manner as the Chief Engi-  
21          neer determines optimizes the effectiveness of  
22          the barriers.

23          “(D) CREDIT.—

24                 “(i) IN GENERAL.—The Assistant  
25                 Secretary shall provide to each State a

1 credit in an amount equal to the amount  
2 of funds contributed by the State toward  
3 the authorized dispersal barriers described  
4 in subparagraphs (A) and (B).

5 “(ii) USE OF CREDIT.—A State may  
6 apply a credit received under clause (i) to  
7 any existing or future project of the Corps  
8 of Engineers in that State.

9 “(E) FEASIBILITY STUDY OF CHICAGO  
10 RIVER SHIP AND SANITARY CANAL.—

11 “(i) IN GENERAL.—Not later than 3  
12 years after the date of enactment of the  
13 National Aquatic Invasive Species Act of  
14 2006, the Assistant Secretary, in consulta-  
15 tion with appropriate Federal, State, local,  
16 and non-governmental entities, shall con-  
17 duct a feasibility study of the full range of  
18 options available to prevent the spread of  
19 aquatic invasive species through the Chi-  
20 cago River Ship and Sanitary Canal dis-  
21 persal barrier.

22 “(ii) MATTERS TO BE STUDIED.—The  
23 study shall—

24 “(I) provide recommendations  
25 concerning additional measures and



1 long-term measures necessary to im-  
 2 prove the performance of the Chicago  
 3 River Ship and Sanitary Canal dis-  
 4 persal barrier; and

5 “(II) examine methods and meas-  
 6 ures necessary to achieve—

7 “(aa) 100 percent efficacy of  
 8 the barrier with respect to aquat-  
 9 ic invasive species of fish; and

10 “(bb) maximum efficacy of  
 11 the barrier with respect to other  
 12 taxa of aquatic invasive species.

13 “(2) MONITORING PROGRAM.—

14 “(A) ESTABLISHMENT.—Not later than 1  
 15 year after the date of enactment of the Na-  
 16 tional Aquatic Invasive Species Act of 2006, the  
 17 Secretary of the Interior shall establish an  
 18 interbasin and intrabasin monitoring program.

19 “(B) REQUIRED ELEMENTS.—The moni-  
 20 toring program shall—

21 “(i) track aquatic invasive species  
 22 moving through—

23 “(I) the Chicago River Ship and  
 24 Sanitary Canal;

25 “(II) the Lake Champlain Canal;

1                   “(III) other interbasin water-  
2                   ways; and

3                   “(IV) major river systems (such  
4                   as the Mississippi River), as rec-  
5                   ommended by regional panels con-  
6                   vened under section 1203, in which  
7                   interbasin transfers of aquatic  
8                   invasive species have been shown to  
9                   pose a significant threat to fish and  
10                  wildlife resources;

11                  “(ii) assess the efficacy of dispersal  
12                  barriers and other measures in preventing  
13                  the spread of aquatic invasive species  
14                  through the waterways; and

15                  “(iii) identify waterways suitable for  
16                  dispersal barrier demonstration projects, in  
17                  addition to the waterways at which dis-  
18                  persal barrier demonstration projects were  
19                  carried out before the date of enactment of  
20                  the National Aquatic Invasive Species Act  
21                  of 2006.

22                  “(C) REPORTS.—The Secretary of the In-  
23                  terior shall issue biennial reports describing the  
24                  findings of the monitoring program.

1           “(3) PREVENTION AND MITIGATION PLANS FOR  
2           CORPS PROJECTS.—In developing projects involving  
3           interbasin waterways or other hydrologic alterations  
4           that could create pathways for aquatic invasive spe-  
5           cies, the Assistant Secretary shall develop adequate  
6           prevention and mitigation plans for controlling the  
7           dispersal of the aquatic invasive species.

8           “(4) TECHNICAL ASSISTANCE.—The Adminis-  
9           trator of the National Oceanic and Atmospheric Ad-  
10          ministration, acting through the Great Lakes Envi-  
11          ronmental Research Laboratory, shall provide tech-  
12          nical assistance to appropriate entities to assist in  
13          the research conducted under this subsection.

14          “(5) ADDITIONAL WATERWAYS.—The Assistant  
15          Secretary, with the concurrence of the Adminis-  
16          trator, and other relevant Federal agencies, shall—

17               “(A) identify additional waterways suitable  
18               for the construction of new dispersal barriers  
19               (based on the monitoring program established  
20               under paragraph (2));

21               “(B) determine the feasibility of a dis-  
22               persal barrier project at the Lake Champlain  
23               Canal and in the Upper Mississippi River and,  
24               if feasible, establish a plan for a dispersal bar-

rier at the Lake Champlain Canal and in the  
Upper Mississippi River; and

“(C) construct, maintain, and operate such  
dispersal barriers as necessary.

“(6) REPORTS.—Not later than 3 years after  
the date of enactment of the National Aquatic  
Invasive Species Act of 2006, the Assistant Sec-  
retary and the Director shall jointly submit to Con-  
gress a report that describes—

“(A) the efficacy of the Chicago River Ship  
and Sanitary Canal dispersal barrier project;  
and

“(B) a plan to provide for additional dis-  
persal barrier demonstration projects and re-  
lated research projects.”.

## **Subtitle C—National Invasive Species Council**

### **SEC. 131. DEFINITIONS.**

In this subtitle:

(1) COUNCIL.—The term “Council” means the  
National Invasive Species Council established by sec-  
tion 133(a).

(2) INVASIVE SPECIES.—The term “invasive  
species” means a species—

(A) that is nonnative to an ecosystem; and

1 (B) the introduction of which to that eco-  
 2 system causes or may cause harm to the envi-  
 3 ronment, the economy, or human health.

4 (3) NATIONAL MANAGEMENT PLAN.—The term  
 5 “National Management Plan” means the National  
 6 Invasive Species Management Plan developed by the  
 7 Council under section 135(a).

8 (4) SPECIES.—The term “species” means a cat-  
 9 egory of taxonomic classification that—

10 (A) ranks below a genus or subgenus; and

11 (B) consists of related organisms capable  
 12 of interbreeding.

13 **SEC. 132. LIMITATION ON FEDERAL ACTIONS.**

14 (a) IN GENERAL.—No Federal agency may author-  
 15 ize, fund, or carry out any action that would likely cause  
 16 or promote the introduction or spread of an invasive spe-  
 17 cies in the United States or any other location, unless the  
 18 head of the Federal agency, at the sole discretion of the  
 19 head of the agency and in accordance with guidelines de-  
 20 veloped under subsection (b), determines that—

21 (1) the benefits of the action under consider-  
 22 ation clearly outweigh the potential harm to the en-  
 23 vironment, the economy, and human health caused  
 24 by the introduction or spread of the invasive species;  
 25 and

1           (2) all feasible and practical measures to mini-  
2       mize risk of harm to the environment, the economy,  
3       and human health will be taken in carrying out the  
4       action.

5       (b) GUIDELINES.—The Council on Environmental  
6       Quality, in conjunction with the Council, shall develop  
7       guidelines for Federal agencies to use in analyzing actions  
8       under subsection (a).

9       **SEC. 133. NATIONAL INVASIVE SPECIES COUNCIL.**

10       (a) ESTABLISHMENT.—

11           (1) IN GENERAL.—There is established, as an  
12       independent entity in the executive branch, the Na-  
13       tional Invasive Species Council.

14           (2) DUTIES.—The Council shall provide leader-  
15       ship and coordination among Federal agencies and  
16       between the Federal Government and State and  
17       local governments, with respect to efforts—

18           (A) to minimize the environmental, eco-  
19       nomic, and human health effects caused by  
20       invasive species; and

21           (B) to reduce the threat of further inva-  
22       sions of invasive species.

23       (b) MEMBERSHIP.—

24           (1) IN GENERAL.—The Council shall consist  
25       of—

- 1 (A) the Secretary of the Interior;  
2 (B) the Secretary of Agriculture;  
3 (C) the Secretary of Commerce;  
4 (D) the Secretary of State;  
5 (E) the Secretary of the Treasury;  
6 (F) the Secretary of Defense;  
7 (G) the Secretary of Transportation;  
8 (H) the Secretary of Health and Human  
9 Services;  
10 (I) the Administrator;  
11 (J) the Administrator of the United States  
12 Agency for International Development; and  
13 (K) such additional members as are ap-  
14 pointed under paragraph (2).

15 (2) ADDITIONAL MEMBERS.—With the concur-  
16 rence of a majority of the members of the Council,  
17 the chairperson of the Council may appoint addi-  
18 tional members to the Council from among individ-  
19 uals who are officers or employees of the Federal  
20 Government with significant responsibilities con-  
21 cerning invasive species.

22 (c) CHAIRPERSON.—

23 (1) INITIAL CHAIRPERSON.—The Secretary of  
24 the Interior shall serve as chairperson of the Council

1 for the 3-year period beginning on the date of enact-  
2 ment of this Act.

3 (2) SUBSEQUENT CHAIRPERSONS.—After the  
4 initial 3-year period described in paragraph (1), the  
5 chairperson shall rotate every 3 years among the fol-  
6 lowing members, in the following order:

7 (A) The Secretary of Agriculture.

8 (B) The Secretary of Commerce.

9 (C) The Secretary of the Interior.

10 (d) MEETINGS.—The Council shall meet at the call  
11 of the chairperson, but not less often than semiannually.

12 (e) EXECUTIVE DIRECTOR.—

13 (1) APPOINTMENT.—The President shall ap-  
14 point the Executive Director of the Council, by and  
15 with the advice and consent of the Senate.

16 (2) CONSULTATION.—Before appointing an in-  
17 dividual under paragraph (1), the President shall  
18 consult with—

19 (A) the Secretary of the Interior;

20 (B) the Secretary of Agriculture; and

21 (C) the Secretary of Commerce.

22 (3) QUALIFICATIONS.—An individual appointed  
23 as Executive Director of the Council shall have—



1 (A) legal or scientific experience and train-  
2 ing in the area of natural resources, ecology, or  
3 agriculture; and

4 (B) experience in dealing with public policy  
5 matters concerning aquatic and terrestrial  
6 invasive species.

7 (4) TERM.—The Executive Director of the  
8 Council shall serve for a term of 6 years.

9 (5) COMPENSATION.—The Executive Director  
10 shall be paid at the maximum rate of basic pay pre-  
11 scribed for level GS–15 of the General Schedule.

12 **SEC. 134. DUTIES.**

13 (a) IN GENERAL.—The Council shall ensure that the  
14 efforts of Federal agencies concerning invasive species are  
15 coordinated, effective, complementary, and cost-efficient.

16 (b) DUTIES.—To carry out subsection (a), the Coun-  
17 cil shall—

18 (1) coordinate with other organizations address-  
19 ing invasive species (such as the Federal Interagency  
20 Committee for the Management of Noxious and Ex-  
21 otic Weeds, the Aquatic Nuisance Species Task  
22 Force established under section 1201 of the Non-  
23 indigenous Aquatic Nuisance Prevention and Control  
24 Act of 1990 (16 U.S.C. 4721), regional panels es-  
25 tablished under that Act, and the White House Of-

1        fice of Science and Technology Policy) to implement  
2        the National Management Plan;

3            (2) develop recommendations for international  
4        cooperation between the Federal Government, State  
5        governments, and foreign countries on tools, policies,  
6        and methods to prevent the introduction and export  
7        of invasive species into and from, respectively, the  
8        United States;

9            (3) develop guidelines for Federal agency ef-  
10       forts to ensure that Federal programs concerning  
11       invasive species, including outreach programs, are  
12       coordinated with State, local, and tribal govern-  
13       ments;

14           (4) develop, in consultation with the Council on  
15       Environmental Quality and in accordance with the  
16       National Environmental Policy Act of 1969 (42  
17       U.S.C. 4321 et seq.), guidance for Federal agencies  
18       on prevention, control, and eradication of invasive  
19       species;

20           (5) establish and maintain a publicly accessible,  
21       coordinated, up-to-date information sharing system  
22       on invasive species that—

23            (A) allows the access to and exchange of  
24       information among Federal agencies and the  
25       public; and

1 (B) uses the Internet to the maximum ex-  
2 tent practicable;

3 (6) ensure that Federal agencies implement the  
4 plans, programs, and policies adopted by the Council  
5 in the National Management Plan through appro-  
6 priate actions, including working in cooperation with  
7 Federal agencies on development of budgets for the  
8 annual submission by the President to Congress of  
9 the budget of the Federal Government under section  
10 1105 of title 31, United States Code;

11 (7)(A) evaluate Federal programs that are like-  
12 ly to cause or promote the introduction or spread of  
13 invasive species in the United States; and

14 (B) recommend actions Federal agencies can  
15 take to minimize the risk of introductions or further  
16 spread of invasive species; and

17 (8) develop and submit to the appropriate com-  
18 mittees of Congress and the Director of the Office  
19 of Management and Budget an annual list of prior-  
20 ities, ranked in high, medium, and low categories, of  
21 Federal efforts and programs in prevention, eradi-  
22 cation, control, and monitoring of, and research and  
23 outreach concerning, invasive species.

1 **SEC. 135. NATIONAL INVASIVE SPECIES MANAGEMENT**

2 **PLAN.**

3 (a) DEVELOPMENT.—

4 (1) IN GENERAL.—The Council shall develop a  
5 National Invasive Species Management Plan that de-  
6 tails and recommends performance-oriented goals  
7 and specific measures of success for carrying out ac-  
8 tivities by Federal agencies relating to invasive spe-  
9 cies.

10 (2) DEVELOPMENT PROCESS.—The National  
11 Management Plan shall be developed through a pub-  
12 lic process and in consultation with Federal agen-  
13 cies, appropriate State and local entities, and other  
14 appropriate stakeholders.

15 (3) CONTENTS.—The National Management  
16 Plan shall include recommendations of effective,  
17 cost-efficient, environmentally sound, and science-  
18 based approaches for—

19 (A) preventing the introduction of invasive  
20 species, including approaches for identifying  
21 pathways by which invasive species are intro-  
22 duced and for minimizing the risk of introduc-  
23 tions via those pathways, which recommended  
24 approaches shall provide for—

1 (i) a process to evaluate risks associ-  
 2 ated with the introduction and spread of  
 3 invasive species; and

4 (ii) a coordinated and systematic risk-  
 5 based process to identify, monitor, and  
 6 interdict pathways that may be involved in  
 7 the introduction of invasive species;

8 (B) cooperating with other countries to in-  
 9 crease their capacity—

10 (i) to control invasive species; and

11 (ii) to prevent the spread of invasive  
 12 species across international borders;

13 (C) rapidly detecting and responding to in-  
 14 cipient invasions of invasive species;

15 (D) managing new and established popu-  
 16 lations of invasive species by—

17 (i) eradicating the invasive species; or

18 (ii) controlling the spread of the  
 19 invasive species;

20 (E) accurately and reliably monitoring new  
 21 and established populations of invasive species;

22 (F) restoring native species and habitat  
 23 conditions in ecosystems that have been invaded  
 24 by invasive species;

1 (G) conducting research on the matters re-  
 2 ferred to in subparagraphs (A) through (F);

3 (H) evaluating and documenting the ef-  
 4 fects of invasive species on the environment, the  
 5 economy, and human health;

6 (I) developing technologies to prevent the  
 7 introduction and provide for the management of  
 8 invasive species; and

9 (J) promoting public education on invasive  
 10 species and the means to address invasive spe-  
 11 cies.

12 (4) IDENTIFICATION OF NEEDED RE-  
 13 SOURCES.—The National Management Plan shall  
 14 identify the personnel, other resources, and addi-  
 15 tional levels of coordination needed to achieve the  
 16 goals included in the National Management Plan.

17 (b) EXISTING PLAN.—The National Invasive Species  
 18 Management Plan of the Invasive Species Council adopted  
 19 in 2001 shall be treated as the National Management Plan  
 20 required under subsection (a) until the date of issuance  
 21 of the National Management Plan under subsection (c)(1).

22 (c) ISSUANCE AND UPDATING OF NATIONAL MAN-  
 23 AGEMENT PLAN.—The Council shall—

24 (1) not later than December 31, 2006, issue the  
 25 National Management Plan;

1           (2) not later than December 31, 2008, and bi-  
2           ennially thereafter, update the National Manage-  
3           ment Plan; and

4           (3) concurrently with the process of updating  
5           the National Management Plan, evaluate and report  
6           to Congress on success in achieving the goals in-  
7           cluded in the National Management Plan.

8           (d) AGENCY REPORTS.—Not later than 18 months  
9           after the date of issuance of any update of the National  
10          Management Plan that recommends action by a Federal  
11          agency, the head of the Federal agency shall submit to  
12          Congress a report that—

13               (1) describes each of the recommended actions  
14               that the agency has not taken; and

15               (2) provides an explanation of why the action is  
16               not feasible.

17   **SEC. 136. INVASIVE SPECIES ADVISORY COMMITTEE.**

18           (a) ESTABLISHMENT.—

19               (1) IN GENERAL.—The Council shall maintain  
20               an advisory committee, to be known as the “Invasive  
21               Species Advisory Committee”, to provide information  
22               and advice for consideration by the Council.

23               (2) ORGANIZATION, FUNCTIONS, AND AUTHORI-  
24               TIES.—Except as otherwise provided in this section,  
25               the advisory committee shall be organized, perform

1 the functions, and have the authorities specified in  
2 the charter for the advisory committee signed by the  
3 Secretary of the Interior on October 30, 2001.

4 (b) APPOINTMENT.—Members of the advisory com-  
5 mittee shall be appointed by the chairperson of the Coun-  
6 cil, after consultation with the other members of the Coun-  
7 cil, from among individuals representing stakeholders with  
8 respect to Federal programs for minimizing the environ-  
9 mental, economic, and human health impacts caused by  
10 invasive species.

11 (c) FUNCTIONS.—In addition to the functions speci-  
12 fied in the charter referred to in subsection (a), the advi-  
13 sory committee shall recommend to the Council plans and  
14 actions at the regional, State, local, tribal, and ecosystem-  
15 based levels to achieve the goals of the National Manage-  
16 ment Plan.

17 (d) CONTINUING OPERATION OF EXISTING COM-  
18 MITTEE.—Any advisory committee appointed before the  
19 date of enactment of this Act in accordance with the char-  
20 ter referred to in subsection (a)(2) may continue in effect  
21 under this section.

22 **SEC. 137. BUDGET ANALYSIS AND SUMMARY.**

23 Not later than March 31, 2006, and March 31 of  
24 each year thereafter, the Director of the Office of Manage-  
25 ment and Budget shall prepare, and submit to Congress



1 and the Council, a budget analysis and summary of all  
 2 Federal programs relating to invasive species.

3 **SEC. 138. EXISTING EXECUTIVE ORDER.**

4 Executive Order No. 13112, dated February 3, 1999  
 5 (42 U.S.C. 4321 note; relating to invasive species), shall  
 6 be of no effect.

7 **SEC. 139. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to carry out  
 9 this subtitle \$2,000,000 for each of fiscal years 2007  
 10 through 2009.

11 **TITLE II—HABITAT AND SPECIES**

12 **SEC. 201. SHORT TITLE.**

13 This title may be cited as the “Great Lakes Fish and  
 14 Wildlife Restoration Act of 2006”.

15 **SEC. 202. FINDINGS.**

16 Congress finds that—

17 (1) the Great Lakes have fish and wildlife com-  
 18 munities that are structurally and functionally  
 19 changing;

20 (2) successful fish and wildlife management fo-  
 21 cuses on the lakes as ecosystems, and effective man-  
 22 agement requires the coordination and integration of  
 23 efforts of many partners;

24 (3) it is in the national interest to undertake  
 25 activities in the Great Lakes Basin that support sus-

1       tainable fish and wildlife resources of common con-  
2       cern provided under the recommendations of the  
3       Great Lakes Regional Collaboration authorized  
4       under Executive Order 13340 (69 Fed. Reg. 29043;  
5       relating to the Great Lakes Interagency Task  
6       Force);

7           (4) additional actions and better coordination  
8       are needed to protect and effectively manage the fish  
9       and wildlife resources, and the habitats upon which  
10      the resources depend, in the Great Lakes Basin;

11          (5) as of the date of enactment of this Act, ac-  
12      tions are not funded that are considered essential to  
13      meet the goals and objectives in managing the fish  
14      and wildlife resources, and the habitats upon which  
15      the resources depend, in the Great Lakes Basin; and

16          (6) the Great Lakes Fish and Wildlife Restora-  
17      tion Act (16 U.S.C. 941 et seq.) allows Federal  
18      agencies, States, and tribes to work in an effective  
19      partnership by providing the funding for restoration  
20      work.

21   **SEC. 203. DEFINITIONS.**

22       Section 1004 of the Great Lakes Fish and Wildlife  
23      Restoration Act of 1990 (16 U.S.C. 941b) is amended—

24           (1) by striking paragraphs (1), (4), and (12);

1           (2) by redesignating paragraphs (2), (3), (5),  
 2           (6), (7), (8), (9), (10), (11), (13), and (14) as para-  
 3           graphs (1), (2), (3), (4), (5), (6), (7), (9), (10),  
 4           (11), and (12), respectively;

5           (3) in paragraph (4) (as redesignated by para-  
 6           graph (2)), by inserting before the semicolon at the  
 7           end the following: “, and that has Great Lakes fish  
 8           and wildlife management authority in the Great  
 9           Lakes Basin”; and

10          (4) by inserting after paragraph (7) (as redesign-  
 11          ated by paragraph (2)) the following:

12           “(8) the term ‘regional project’ means author-  
 13           ized activities of the United States Fish and Wildlife  
 14           Service related to fish and wildlife resource protec-  
 15           tion, restoration, maintenance, and enhancement  
 16           that benefit the Great Lakes basin;”.

17 **SEC. 204. IDENTIFICATION, REVIEW, AND IMPLEMENTA-**  
 18 **TION OF PROPOSALS.**

19          Section 1005 of the Great Lakes Fish and Wildlife  
 20          Restoration Act of 1990 (16 U.S.C. 941c) is amended to  
 21          read as follows:

1 **“SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTA-**  
2 **TION OF PROPOSALS AND REGIONAL**  
3 **PROJECTS.**

4 “(a) IN GENERAL.—Subject to subsection (b)(2), the  
5 Director—

6 “(1) shall encourage the development and, sub-  
7 ject to the availability of appropriations, the imple-  
8 mentation of fish and wildlife restoration proposals  
9 and regional projects; and

10 “(2) in cooperation with the State Directors  
11 and Indian Tribes, shall identify, develop, and, sub-  
12 ject to the availability of appropriations, implement  
13 regional projects in the Great Lakes Basin to be ad-  
14 ministered by Director in accordance with this sec-  
15 tion.

16 “(b) IDENTIFICATION OF PROPOSALS AND REGIONAL  
17 PROJECTS.—

18 “(1) REQUEST BY THE DIRECTOR.—The Direc-  
19 tor shall annually request that State Directors and  
20 Indian Tribes, in cooperation or partnership with  
21 other interested entities and in accordance with sub-  
22 section (a), submit proposals or regional projects for  
23 the restoration of fish and wildlife resources.

24 “(2) REQUIREMENTS FOR PROPOSALS AND RE-  
25 GIONAL PROJECTS.—A proposal or regional project  
26 under paragraph (1) shall be—

1 “(A) submitted in the manner and form  
2 prescribed by the Director; and

3 “(B) consistent with—

4 “(i) the goals of the Great Lakes  
5 Water Quality Agreement, as amended;

6 “(ii) the 1954 Great Lakes Fisheries  
7 Convention;

8 “(iii) the 1980 Joint Strategic Plan  
9 for Management of Great Lakes Fisheries,  
10 as revised in 1997, and Fish Community  
11 Objectives for each Great Lake and con-  
12 necting water as established under the  
13 Joint Strategic Plan;

14 “(iv) the Nonindigenous Aquatic Nui-  
15 sance Prevention and Control Act of 1990  
16 (16 U.S.C. 4701 et seq.);

17 “(v) the North American Waterfowl  
18 Management Plan and joint ventures es-  
19 tablished under the plan; and

20 “(vi) the strategies outlined through  
21 the Great Lakes Regional Collaboration  
22 authorized under Executive Order 13340  
23 (69 Fed. Reg. 29043; relating to the Great  
24 Lakes Interagency Task Force).

1           “(3) SEA LAMPREY AUTHORITY.—The Great  
 2       Lakes Fishery Commission shall retain authority  
 3       and responsibility to formulate and implement a  
 4       comprehensive program to eradicate or minimize sea  
 5       lamprey populations in the Great Lakes Basin.

6       “(c) REVIEW OF PROPOSALS.—

7           “(1) ESTABLISHMENT OF COMMITTEE.—There  
 8       is established the Great Lakes Fish and Wildlife  
 9       Restoration Proposal Review Committee, which shall  
 10      operate under the guidance of the United States  
 11      Fish and Wildlife Service.

12          “(2) MEMBERSHIP AND APPOINTMENT.—

13           “(A) IN GENERAL.—The Committee shall  
 14       consist of 2 representatives of each of the State  
 15       Directors and Indian Tribes, of whom—

16           “(i) 1 representative shall be the indi-  
 17       vidual appointed by the State Director or  
 18       Indian Tribe to the Council of Lake Com-  
 19       mittees of the Great Lakes Fishery Com-  
 20       mission; and

21           “(ii) 1 representative shall have exper-  
 22       tise in wildlife management.

23           “(B) APPOINTMENTS.—Each representa-  
 24       tive shall serve at the pleasure of the appointing  
 25       State Director or Tribal Chair.

1           “(C) OBSERVER.—The Great Lakes Coor-  
 2           dinator of the United States Fish and Wildlife  
 3           Service shall participate as an observer of the  
 4           Committee.

5           “(D) RECUSAL.—A member of the Com-  
 6           mittee shall recuse himself or herself from con-  
 7           sideration of proposals that the member, or the  
 8           entity that the member represents, has sub-  
 9           mitted.

10          “(3) FUNCTIONS.—The Committee shall—

11           “(A) meet at least annually;

12           “(B) review proposals and special projects  
 13           developed in accordance with subsection (b) to  
 14           assess the effectiveness and appropriateness of  
 15           the proposals and special projects in fulfilling  
 16           the purposes of this title; and

17           “(C) recommend to the Director any of  
 18           those proposals and special projects that should  
 19           be funded and implemented under this section.

20          “(d) IMPLEMENTATION OF PROPOSALS AND RE-  
 21          GIONAL PROJECTS.—

22           “(1) IN GENERAL.—After considering rec-  
 23           ommendations of the Committee and the goals speci-  
 24           fied in section 1006, the Director shall—

1           “(A) select proposals and regional projects  
2           to be implemented; and

3           “(B) subject to the availability of appro-  
4           priations and subsection (e), fund implementa-  
5           tion of the proposals and regional projects.

6           “(2) SELECTION CRITERIA.—In selecting and  
7           funding proposals and regional projects, the Director  
8           shall take into account the effectiveness and appro-  
9           priateness of the proposals and regional projects in  
10          fulfilling the purposes of other laws applicable to  
11          restoration of the fish and wildlife resources and  
12          habitat of the Great Lakes Basin.

13          “(e) COST SHARING.—

14               “(1) IN GENERAL.—Except as provided in para-  
15               graphs (2) and (4), not less than 25 percent of the  
16               cost of implementing a proposal selected under sub-  
17               section (d) (excluding the cost of establishing sea  
18               lamprey barriers) shall be paid in cash or in-kind  
19               contributions by non-Federal sources.

20               “(2) REGIONAL PROJECTS.—Regional projects  
21               selected under subsection (d) shall be exempt from  
22               cost sharing if the Director determines that the au-  
23               thorization for the project does not require a non-  
24               Federal cost-share.



1           “(3) EXCLUSION OF FEDERAL FUNDS FROM  
 2       NON-FEDERAL SHARE.—The Director may not con-  
 3       sider the expenditure, directly or indirectly, of Fed-  
 4       eral funds received by any entity to be a contribution  
 5       by a non-Federal source for purposes of this sub-  
 6       section.

7           “(4) EFFECT ON CERTAIN INDIAN TRIBES.—  
 8       Nothing in this subsection affects an Indian tribe af-  
 9       fected by an alternative applicable cost sharing re-  
 10      quirement under the Indian Self-Determination and  
 11      Education Assistance Act (25 U.S.C. 450 et seq.).”.

12 **SEC. 205. GOALS OF UNITED STATES FISH AND WILDLIFE**  
 13                   **SERVICE PROGRAMS RELATED TO GREAT**  
 14                   **LAKES FISH AND WILDLIFE RESOURCES.**

15       Section 1006 of the Great Lakes Fish and Wildlife  
 16      Restoration Act of 1990 (16 U.S.C. 941d) is amended by  
 17      striking paragraph (1) and inserting the following:

18           “(1) Restoring and maintaining self-sustaining  
 19      fish and wildlife resources.”.

20 **SEC. 206. ESTABLISHMENT OF OFFICES.**

21       Section 1007 of the Great Lakes Fish and Wildlife  
 22      Restoration Act of 1990 (16 U.S.C. 941e) is amended—

23           (1) by striking subsection (a) and inserting the  
 24      following:

25           “(a) GREAT LAKES COORDINATION OFFICE.—

1           “(1) IN GENERAL.—The Director shall establish  
2           a centrally located facility for the coordination of all  
3           United States Fish and Wildlife Service activities in  
4           the Great Lakes Basin, to be known as the ‘Great  
5           Lakes Coordination Office’.

6           “(2) FUNCTIONAL RESPONSIBILITIES.—The  
7           functional responsibilities of the Great Lakes Co-  
8           ordination Office shall include—

9                   “(A) intra- and interagency coordination;

10                   “(B) information distribution; and

11                   “(C) public outreach.

12           “(3) REQUIREMENTS.—The Great Lakes Co-  
13           ordination Office shall—

14                   “(A) ensure that information acquired  
15                   under this Act is made available to the public;  
16                   and

17                   “(B) report to the Director of Region 3,  
18                   Great Lakes Big Rivers.”;

19           (2) in subsection (b)—

20                   (A) in the first sentence, by striking “The  
21                   Director” and inserting the following:

22                   “(1) IN GENERAL.—The Director”;

23                   (B) in the second sentence, by striking  
24                   “The office” and inserting the following:

25                   “(2) NAME AND LOCATION.—The office”; and

1 (C) by adding at the end the following:

2 “(3) RESPONSIBILITIES.—The responsibilities  
3 of the Lower Great Lakes Fishery Resources Office  
4 shall include operational activities of the United  
5 States Fish and Wildlife Service related to fishery  
6 resource protection, restoration, maintenance, and  
7 enhancement in the Lower Great Lakes.”; and

8 (3) in subsection (c)—

9 (A) in the first sentence, by striking “The  
10 Director” and inserting the following:

11 “(1) IN GENERAL.—The Director”;

12 (B) in the second sentence, by striking  
13 “The office” and inserting the following:

14 “(2) NAME AND LOCATION.—The office”; and

15 (C) by adding at the end the following:

16 “(3) RESPONSIBILITIES.—The responsibilities  
17 of the Upper Great Lakes Fishery Resources Offices  
18 shall include operational activities of the United  
19 States Fish and Wildlife Service related to fishery  
20 resource protection, restoration, maintenance, and  
21 enhancement in the Upper Great Lakes.”.

22 **SEC. 207. REPORTS.**

23 Section 1008 of the Great Lakes Fish and Wildlife  
24 Restoration Act of 1990 (16 U.S.C. 941f) is amended to  
25 read as follows:

1   **“SEC. 1008. REPORTS.**

2           “(a) IN GENERAL.—Not later than December 31,  
3 2011, the Director shall submit to the Committee on Re-  
4 sources of the House of Representatives and the Com-  
5 mittee on Environment and Public Works of the Senate  
6 a report that describes—

7           “(1) actions taken to solicit and review pro-  
8 posals under section 1005;

9           “(2) the results of proposals implemented under  
10 section 1005; and

11           “(3) progress toward the accomplishment of the  
12 goals specified in section 1006.

13           “(b) ANNUAL REPORTS.—Not later than December  
14 31 of each of fiscal years 2007 through 2012, the Director  
15 shall submit to the 8 Great Lakes States and Indian  
16 Tribes a report that describes—

17           “(1) actions taken to solicit and review pro-  
18 posals under section 1005;

19           “(2) the results of proposals implemented under  
20 section 1005;

21           “(3) progress toward the accomplishment of the  
22 goals specified in section 1006;

23           “(4) the priorities proposed for funding in the  
24 annual budget process under this title; and

25           “(5) actions taken in support of the rec-  
26 ommendations of the Great Lakes Regional Collabo-

1 ration authorized under Executive Order 13340 (69  
2 Fed. Reg. 29043; relating to the Great Lakes Inter-  
3 agency Task Force).

4 “(c) STUDY.—

5 “(1) IN GENERAL.—Not later than December  
6 16, 2009, the Director, in consultation with State  
7 fish and wildlife resource management agencies, In-  
8 dian Tribes, and the Great Lakes Fishery Commis-  
9 sion, shall—

10 “(A) conduct a comprehensive study of the  
11 status, and the assessment, management, and  
12 restoration needs, of the fish and wildlife re-  
13 sources of the Great Lakes Basin, including a  
14 comprehensive review of the accomplishments  
15 that have been achieved under this title through  
16 fiscal year 2008; and

17 “(B) submit to the President of the Senate  
18 and the Speaker of the House of Representa-  
19 tives—

20 “(i) the study described in subpara-  
21 graph (A); and

22 “(ii) a comprehensive report on the  
23 findings of the study.

24 “(d) REPORT.—Not later than June 30, 2006, the  
25 Director shall submit to the Committee on Environment

1 and Public Works of the Senate and the Committee on  
 2 Resources of the House of Representatives the 2002 re-  
 3 port required under this section as in effect on the day  
 4 before the date of enactment of the Great Lakes Fish and  
 5 Wildlife Restoration Act of 2006.”.

6 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 1009 of the Great Lakes Fish and Wildlife  
 8 Restoration Act of 1990 (16 U.S.C. 941g) is amended to  
 9 read as follows:

10 **“SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to the Di-  
 12 rector for each of fiscal years 2007 through 2012—

13 “(1) \$12,000,000, of which—

14 “(A) \$11,400,000 shall be allocated to im-  
 15 plement fish and wildlife restoration proposals  
 16 as selected by the Director under section  
 17 1005(e); and

18 “(B) the lesser of 5 percent or \$600,000  
 19 shall be allocated to the United States Fish and  
 20 Wildlife Service to cover costs incurred in ad-  
 21 ministering the proposals by any entity;

22 “(2) \$6,000,000, which shall be allocated to im-  
 23 plement regional projects by the United States Fish  
 24 and Wildlife Service, as selected by the Director  
 25 under section 1005(e); and

1           “(3) \$2,000,000, which shall be allocated for  
 2           the activities of the Great Lake Coordination Office  
 3           in East Lansing, Michigan, of the Upper Great  
 4           Lakes Fishery Resources Office, and the Lower  
 5           Great Lakes Fishery Resources Office under section  
 6           1007.”.

## 7           **TITLE III—COASTAL HEALTH**

### 8           **SEC. 301. TECHNICAL ASSISTANCE.**

9           (a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL  
 10          TREATMENT WORKS.—Section 104(b) of the Federal  
 11          Water Pollution Control Act (33 U.S.C. 1254(b)) is  
 12          amended—

13                 (1) by redesignating paragraphs (1) through  
 14                 (7) as subparagraphs (A) through (G), respectively,  
 15                 and indenting the subparagraphs appropriately;

16                 (2) by striking “(b) In carrying out” and in-  
 17                 serting the following:

18                 “(b) AUTHORIZED ACTIVITIES.—

19                         “(1) IN GENERAL.—In carrying out”;

20                         (3) in paragraph (1) (as designated by para-  
 21                         graph (2))—

22                                 (A) by striking “paragraph (1) of sub-  
 23                                 section (a)” each place it appears and inserting  
 24                                 “subsection (a)(1)”;

1 (B) in subparagraph (C) (as redesignated  
2 by paragraph (1)), by striking “of this section”;

3 (C) in subparagraph (F) (as redesignated  
4 by paragraph (1)), by striking “thereof; and”  
5 and inserting “of the effects;”;

6 (D) in subparagraph (G) (as redesignated  
7 by paragraph (1)), by striking the period at the  
8 end and inserting “; and”; and

9 (E) by adding at the end the following:

10 “(H) make grants to nonprofit organiza-  
11 tions—

12 “(i) to provide technical assistance to  
13 rural and small municipalities for the pur-  
14 pose of assisting, in consultation with the  
15 State in which the assistance is provided,  
16 the municipalities in the planning, develop-  
17 ment, and acquisition of financing for  
18 wastewater infrastructure assistance;

19 “(ii) to capitalize revolving loan funds  
20 for the purpose of providing loans, in con-  
21 sultation with the State in which the as-  
22 sistance is provided and in accordance with  
23 paragraph (2), to rural and small munici-  
24 palities for—



1                   “(I) predevelopment costs associ-  
2                   ated with wastewater infrastructure  
3                   projects; and

4                   “(II) short-term costs incurred  
5                   for the replacement of equipment that  
6                   is not part of a regular operation or  
7                   maintenance activity for an existing  
8                   wastewater system;

9                   “(iii) to provide technical assistance  
10                  and training for rural and small publicly-  
11                  owned treatment works and decentralized  
12                  wastewater treatment systems to enable  
13                  the treatment works and systems to—

14                  “(I) protect water quality; and

15                  “(II) achieve and maintain com-  
16                  pliance with the requirements of this  
17                  Act; and

18                  “(iv) to disseminate information to  
19                  rural and small municipalities and munici-  
20                  palities that meet the affordability criteria  
21                  established by the State in which the mu-  
22                  nicipality is located under section 603(i)(2)  
23                  with respect to planning, design, construc-  
24                  tion, and operation of publicly-owned treat-

1                   ment works and decentralized wastewater  
2                   treatment systems.”; and

3                   (4) by adding at the end the following:

4                   “(2) LOAN CONDITIONS.—

5                   “(A) IN GENERAL.—A loan provided under  
6                   paragraph (1)(H)(ii) shall—

7                   “(i) be provided at a below-market in-  
8                   terest rate;

9                   “(ii) be provided in an amount not to  
10                  exceed \$100,000; and

11                  “(iii) extend for a term of not more  
12                  than 10 years.

13                  “(B) REPAYMENT.—Repayment of a loan  
14                  provided under paragraph (1)(H)(ii) shall be  
15                  credited to the water pollution control revolving  
16                  loan fund of the appropriate State under sec-  
17                  tion 603.”.

18                  (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
19                  104(u) of the Federal Water Pollution Control Act (33  
20                  U.S.C. 1254(u)) is amended—

21                  (1) by striking “(u) There is authorized to be  
22                  appropriated (1) not” and inserting the following:

23                  “(u) AUTHORIZATION OF APPROPRIATIONS.—There  
24                  are authorized to be appropriated—

25                  “(1) not”;

1           (2) in paragraph (1), by striking “provisions;  
 2           (2) not” and inserting the following: “provisions;  
 3           “(2) not”;  
 4           (3) in paragraph (2), by striking “subsection  
 5           (g)(1); (3) not” and inserting the following: “sub-  
 6           section (g)(1);  
 7           “(3) not”;  
 8           (4) in paragraph (3), by striking “subsection  
 9           (g)(2); (4) not” and inserting the following: “sub-  
 10          section (g)(2);  
 11          “(4) not”;  
 12          (5) in paragraph (4), by striking “subsection  
 13          (p); (5) not” and inserting the following: “subsection  
 14          (p);  
 15          “(5) not”;  
 16          (6) in paragraph (5), by striking “subsection  
 17          (r); and (6) not” and inserting the following: “sub-  
 18          section (r);  
 19          “(6) not”;  
 20          (7) in paragraph (6), by striking the period at  
 21          the end and inserting “; and”; and  
 22          (8) by adding at the end the following:  
 23          “(7) for each of fiscal years 2007 through  
 24          2011, not more than \$75,000,000 to carry out sub-

1 paragraphs (C) and (H) of subsection (b)(1), of  
 2 which, during any fiscal year—

3 “(A) not less than 20 percent shall be used  
 4 to carry out subsection (b)(1)(H); and

5 “(B) not more than  $\frac{1}{3}$  of the amount used  
 6 under subparagraph (A) shall be used to carry  
 7 out subsection (b)(1)(H)(ii).”.

8 (c) COMPETITIVE PROCEDURES FOR AWARDING  
 9 GRANTS.—Section 104 of the Federal Water Pollution  
 10 Control Act (33 U.S.C. 1254) is amended by adding at  
 11 the end the following:

12 “(w) COMPETITIVE PROCEDURES FOR AWARDING  
 13 GRANTS.—The Administrator shall establish procedures  
 14 that promote competition and openness, to the maximum  
 15 extent practicable, in the award of grants to nonprofit pri-  
 16 vate agencies, institutions, and organizations under this  
 17 section.”.

18 **SEC. 302. SEWER OVERFLOW CONTROL GRANTS.**

19 Section 221 of the Federal Water Pollution Control  
 20 Act (33 U.S.C. 1301) is amended by striking subsection  
 21 (c) and inserting the following:

22 “(c) DEFINITION OF FINANCIALLY DISTRESSED  
 23 COMMUNITY.—A financially distressed community re-  
 24 ferred to in subsection (b) is a community that meets the

1 affordability criteria established by the State in which the  
2 community is located under section 603(i)(2).”.

3 **SEC. 303. WATER POLLUTION CONTROL REVOLVING LOAN**  
4 **FUNDS.**

5 (a) EXTENDED PAYMENT PERIOD.—Section  
6 603(d)(1) of the Federal Water Pollution Control Act (33  
7 U.S.C. 1383(d)(1)) is amended—

8 (1) in subparagraph (A), by striking “20  
9 years;” and inserting the following: “the lesser of—  
10 “(i) the design life of the project to be  
11 financed using the proceeds of the loan; or  
12 “(ii) 30 years;”; and

13 (2) in subparagraph (B), by striking “not later  
14 than 20 years after project completion” and insert-  
15 ing “on the expiration of the term of the loan”.

16 (b) TECHNICAL AND PLANNING ASSISTANCE FOR  
17 SMALL SYSTEMS.—Section 603(d) of the Federal Water  
18 Pollution Control Act (33 U.S.C. 1383(d)) is amended—

19 (1) in paragraph (6), by striking “and” at the  
20 end;

21 (2) in paragraph (7), by striking the period at  
22 the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(8) with respect to municipalities and inter-  
25 municipal, interstate, and State agencies seeking as-

1       sistance under this title that serve a population of  
 2       20,000 or fewer, to provide to owners and operators  
 3       of small treatment works, in an amount not to ex-  
 4       ceed 2 percent of the amount of total grant awards  
 5       made under this title—

6               “(A) technical and planning assistance;

7               and

8               “(B) assistance relating to—

9                       “(i) financial management;

10                      “(ii) user fee analysis;

11                      “(iii) budgeting;

12                      “(iv) capital improvement planning;

13                      “(v) facility operation and mainte-  
 14                      nance;

15                      “(vi) repair schedules; and

16                      “(vii) other activities to improve  
 17                      wastewater treatment plant management  
 18                      and operations.”.

19       (c) ADDITIONAL SUBSIDIZATION.—Section 603 of the  
 20       Federal Water Pollution Control Act (33 U.S.C. 1383) is  
 21       amended by adding at the end the following:

22               “(i) ADDITIONAL SUBSIDIZATION.—

23                      “(1) IN GENERAL.—In any case in which a  
 24                      State provides assistance to a municipality or an  
 25                      intermunicipal, interstate, or State agency under

1 subsection (d), the State may provide additional sub-  
2 sidization, including forgiveness of principal and  
3 negative interest loans—

4 “(A) to benefit a municipality that—

5 “(i) meets the affordability criteria of  
6 the State established under paragraph (2);  
7 or

8 “(ii) does not meet the criteria estab-  
9 lished under paragraph (2), if the munici-  
10 pality—

11 “(I) seeks additional subsidiza-  
12 tion to benefit individual ratepayers in  
13 the residential user rate class;

14 “(II) demonstrates to the State  
15 that the ratepayers described in sub-  
16 clause (I) will experience a significant  
17 hardship on the increase in rates re-  
18 quired to finance the project or activ-  
19 ity for which the assistance is sought;  
20 and

21 “(III) ensures, as part of an  
22 agreement between the State and the  
23 recipient, that the additional sub-  
24 sidization provided under this para-  
25 graph will be directed to those rate-

1                   payers through a user charge rate sys-  
2                   tem (or another appropriate method);  
3                   and

4                   “(B) to implement alternative processes,  
5                   materials, and techniques (including non-  
6                   structural protection of surface waters, new or  
7                   improved methods of waste treatment, and pol-  
8                   lutant trading) that may result in cost savings  
9                   or increased environmental benefit when com-  
10                  pared to standard processes, materials, and  
11                  techniques.

12               “(2) AFFORDABILITY CRITERIA.—

13               “(A) ESTABLISHMENT.—

14               “(i) IN GENERAL.—Not later than  
15               September 30, 2006, after providing notice  
16               and an opportunity for public comment, a  
17               State shall establish affordability criteria  
18               to assist the State in identifying munici-  
19               palities that would experience a significant  
20               hardship on the increase in rates required  
21               to finance a project or activity that is eligi-  
22               ble for assistance under subsection (c)(1) if  
23               additional subsidization under paragraph  
24               (1) is not provided.



1                   “(ii) FACTORS FOR CONSIDER-  
 2                   ATION.—In establishing criteria under  
 3                   clause (i), a State shall take into consider-  
 4                   ation—

5                   “(I) income data;

6                   “(II) population trends; and

7                   “(III) any other data the State  
 8                   determines to be relevant.

9                   “(B) EXISTING CRITERIA.—If a State has  
 10                  established, after providing notice and an op-  
 11                  portunity for public comment, criteria in ac-  
 12                  cordance with subparagraph (A) before the date  
 13                  of enactment of this subsection, the criteria  
 14                  shall be considered to be affordability criteria  
 15                  established under that subparagraph.

16                  “(C) INFORMATION TO ASSIST STATES.—  
 17                  The Administrator may publish information to  
 18                  assist States in establishing affordability cri-  
 19                  teria under subparagraph (A).

20                  “(3) PRIORITY.—In providing assistance under  
 21                  this subsection, a State may give priority to any  
 22                  owner or operator of a project or activity that—

23                  “(A) is eligible to receive funding under  
 24                  subsection (c)(1); and

1           “(B) is located in a municipality that  
2           meets the affordability criteria established  
3           under paragraph (2).

4           “(4) SET-ASIDE.—

5           “(A) IN GENERAL.—For any fiscal year  
6           during which more than \$1,400,000,000 is  
7           made available to the Administrator to carry  
8           out this title, a State shall provide additional  
9           subsidization under this subsection in the  
10          amount described in subparagraph (B) to enti-  
11          ties described in paragraph (1) for projects and  
12          activities identified in the intended use plan of  
13          the State under section 606(c) on receipt of an  
14          application for additional subsidization.

15          “(B) AMOUNT.—The amount referred to in  
16          subparagraph (A) is an amount not less than  
17          25 percent of the difference between—

18                 “(i) the total amount that would have  
19                 been allotted to the State under section  
20                 604 during the appropriate fiscal year, if  
21                 the amount made available to the Adminis-  
22                 trator to carry out this title during that  
23                 fiscal year was equal to \$1,400,000,000;  
24                 and

1                   “(ii) the total amount allotted to the  
2                   State under section 604 for that fiscal  
3                   year.

4                   “(5) LIMITATION.—The total amount of addi-  
5                   tional subsidization provided by a State under this  
6                   subsection shall not exceed 30 percent of the total  
7                   amount of capitalization grants received by the State  
8                   under this title for fiscal years beginning after Sep-  
9                   tember 30, 2005.”.

10 **SEC. 304. ALLOTMENT OF FUNDS.**

11           (a) IN GENERAL.—Section 604 of the Federal Water  
12   Pollution Control Act (33 U.S.C. 1384) is amended by  
13   striking subsection (a) and inserting the following:

14           “(a) ALLOTMENTS.—

15                   “(1) FISCAL YEARS 2007 AND 2008.—Amounts  
16                   made available to carry out this title for fiscal years  
17                   2007 and 2008 shall be allotted by the Adminis-  
18                   trator in accordance with the formula used to cal-  
19                   culate allotments for fiscal year 2006.

20                   “(2) FISCAL YEAR 2009 AND THEREAFTER.—  
21                   Amounts made available to carry out this title for  
22                   fiscal year 2009 and each fiscal year thereafter shall  
23                   be allotted by the Administrator during each fiscal  
24                   year—

1           “(A) for amounts up to \$1,350,000,000, in  
 2           accordance with the formula used to calculate  
 3           allotments for fiscal year 2006; and

4           “(B) for any amount in excess of  
 5           \$1,350,000,000, in accordance with the formula  
 6           developed by the Administrator under sub-  
 7           section (d).”.

8           (b) PLANNING ASSISTANCE.—Section 604(b) of the  
 9           Federal Water Pollution Control Act (33 U.S.C. 1384(b))  
 10          is amended by striking “1 percent” and inserting “2 per-  
 11          cent”.

12          (c) FORMULA.—Section 604 of the Federal Water  
 13          Pollution Control Act (33 U.S.C. 1384) is amended by  
 14          adding at the end the following:

15          “(d) FORMULA BASED ON WATER QUALITY  
 16          NEEDS.—Not later than September 30, 2006, after pro-  
 17          viding notice and an opportunity for public comment, the  
 18          Administrator shall publish an allotment formula for pur-  
 19          poses of subsection (a)(2)(B) based on water quality  
 20          needs, to be determined by the Administrator in accord-  
 21          ance with the most recent survey of needs developed by  
 22          the Administrator under section 516.”.

23       **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

24          Section 607 of the Federal Water Pollution Control  
 25          Act (33 U.S.C. 1387) is amended to read as follows:

1 **“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out  
3 this title—

4 “(1) \$2,000,000,000 for fiscal year 2007;

5 “(2) \$3,000,000,000 for fiscal year 2008;

6 “(3) \$4,000,000,000 for fiscal year 2009;

7 “(4) \$5,000,000,000 for fiscal year 2010; and

8 “(5) \$6,000,000,000 for fiscal year 2011.”.

9 **TITLE IV—AREAS OF CONCERN**

10 **SEC. 401. GREAT LAKES.**

11 (a) REMEDIATION OF SEDIMENT CONTAMINATION IN  
12 AREAS OF CONCERN.—Section 118(c)(12)(H) of the Fed-  
13 eral Water Pollution Control Act (33 U.S.C.  
14 1268(c)(12)(H)) is amended by striking clause (i) and in-  
15 serting the following:

16 “(i) IN GENERAL.—In addition to  
17 other amounts authorized to be appro-  
18 priated to carry out this section, there is  
19 authorized to be appropriated to carry out  
20 this paragraph \$150,000,000 for each of  
21 fiscal years 2007 through 2012.”.

22 (b) NON-FEDERAL SHARE.—Section 118(c)(12) of  
23 the Federal Water Pollution Control Act (33 U.S.C.  
24 1268(c)(12)) is amended—

25 (1) in subparagraph (E), by adding at the end  
26 the following:

1                   “(v) PAYMENT AND RETENTION OF  
2                   NON-FEDERAL SHARE.—The non-Federal  
3                   sponsor for a project under this paragraph  
4                   may pay to the Administrator, for reten-  
5                   tion and use by the Administrator in car-  
6                   rying out the project, the non-Federal  
7                   share of the cost of the project.”;

8                   (2) by redesignating subparagraph (H) (as  
9                   amended by subsection (a)) as subparagraph (I);  
10                  and

11                  (3) by inserting after subparagraph (G) the fol-  
12                  lowing:

13                         “(H) ADVANCE PAYMENT AND REIM-  
14                         BURSEMENT OF COSTS.—The Administrator,  
15                         acting through the Program Office, may enter  
16                         into an agreement with a non-Federal sponsor  
17                         to carry out a project under this paragraph  
18                         under which the non-Federal sponsor may, as  
19                         appropriate—

20                                 “(i) pay in advance the non-Federal  
21                                 share of the cost of the project; and

22                                 “(ii) receive from the Administrator  
23                                 reimbursement for amounts (other than  
24                                 the non-Federal share) expended by the  
25                                 non-Federal sponsor for the project.”.

# 1     **TITLE V—TOXIC SUBSTANCES**

## 2     **SEC. 501. MERCURY REDUCTION GRANTS.**

3         Section 118(c) of the Federal Water Pollution Con-  
 4     trol Act (33 U.S.C. 1268(c)) is amended by adding at the  
 5     end the following:

6             “(14) MERCURY REDUCTION GRANTS.—

7                 “(A) IN GENERAL.—The Program Office  
 8             shall provide grants to Great Lakes States and  
 9             Indian tribes in Great Lakes States to carry  
 10            out projects to reduce the quantity of mercury  
 11            in the Great Lakes.

12               “(B) APPLICATION.—Each Great Lake  
 13            State or Indian tribe that seeks a grant under  
 14            this paragraph shall submit an application to  
 15            the Program Office at such time, in such man-  
 16            ner, and accompanied by or containing any in-  
 17            formation that the Program Office may require.

18               “(C) AUTHORIZATION OF APPROPRIA-  
 19            TIONS.—There is authorized to be appropriated  
 20            to carry out this paragraph \$10,000,000 for  
 21            each of fiscal years 2007 through 2011.”.

1       **TITLE VI—INDICATORS AND**  
 2                   **INFORMATION**  
 3       **Subtitle A—Research Program**

4   **SEC. 601. RESEARCH REAUTHORIZATIONS.**

5       Section 118 of the Federal Water Pollution Control  
 6   Act (33 U.S.C. 1268) is amended by striking subsection  
 7   (e) and inserting the following:

8       “(e) RESEARCH AND MANAGEMENT COORDINA-  
 9   TION.—

10           “(1) JOINT PLAN.—

11               “(A) IN GENERAL.—Not later than Sep-  
 12           tember 30 of each year, the Program Office,  
 13           the Research Office, and the Great Lakes  
 14           Science Center shall prepare and submit to the  
 15           Executive Committee of the Regional Collabora-  
 16           tion a joint research plan for the fiscal year  
 17           that begins in the following calendar year.

18               “(B) SUBMISSION TO CONGRESS.—The  
 19           President shall include the plan described in  
 20           subparagraph (A) in the annual budget of the  
 21           United States Government submitted to Con-  
 22           gress by the President.

23               “(2) CONTENTS OF PLAN.—Each plan prepared  
 24           under paragraph (1) shall—



1           “(A) identify all proposed research dedi-  
2 cated to activities carried out under the Great  
3 Lakes Water Quality Agreement and any other  
4 applicable agreements and amendments;

5           “(B) include the assessment of the Re-  
6 gional Collaboration of priorities for research  
7 needed to fulfill the terms of those agreements;  
8 and

9           “(C) identify all proposed research that  
10 may be used to develop a comprehensive envi-  
11 ronmental data base for the Great Lakes Sys-  
12 tem and establish priorities for development of  
13 the data base.”.

14 **SEC. 602. GREAT LAKES SCIENCE CENTER.**

15       There are authorized to be appropriated to the Direc-  
16 tor of the United States Geological Survey, for use by the  
17 Great Lakes Science Center, to carry out research activi-  
18 ties that advance scientific knowledge and provide sci-  
19 entific information for restoring, enhancing, managing,  
20 and protecting the living marine resources and habitats  
21 in the Great Lakes basin ecosystem \$25,000,000 for each  
22 of fiscal years 2007 through 2011.

1 **SEC. 603. GREAT LAKES ENVIRONMENTAL RESEARCH LAB-**  
2 **ORATORY.**

3 (a) GRANTS.—Section 118(d)(6) of the Federal  
4 Water Pollution Control Act (33 U.S.C. 1268(d)(6)) is  
5 amended—

6 (1) striking “The Research Office” and insert-  
7 ing the following:

8 “(A) IN GENERAL.—The Research Office”;  
9 and

10 (2) by adding at the end the following:

11 “(B) GRANTS.—

12 “(i) IN GENERAL.—The National Oce-  
13 anic and Atmospheric Administration, act-  
14 ing through the Center for Sponsored  
15 Coastal Ocean Research, shall carry out a  
16 program to provide competitive grants to  
17 academic institutions, State agencies, and  
18 other appropriate entities to carry out re-  
19 search and monitoring activities described  
20 in subparagraph (A).

21 “(ii) REQUIREMENTS.—The program  
22 under this subparagraph shall be peer-re-  
23 viewed and merit-based.”.

24 (b) AUTHORIZATIONS OF APPROPRIATIONS.—Section  
25 118 of the Federal Water Pollution Control Act (33

1 U.S.C. 1268) is amended by striking subsection (h) and  
 2 inserting the following:

3 “(h) AUTHORIZATIONS OF APPROPRIATIONS.—There  
 4 are authorized to be appropriated to carry out this section  
 5 \$105,000,000 for each of fiscal years 2007 through  
 6 2011, of which, for each fiscal year—

7 “(1) \$40,000,000 shall be made available to the  
 8 Program Office;

9 “(2) \$15,000,000 shall be made available to the  
 10 Research Office to provide research grants to aca-  
 11 demic institutions, State agencies, and other appro-  
 12 priate entities; and

13 “(3) \$25,000,000 shall be made available to the  
 14 Great Lakes Environmental Research Laboratory to  
 15 provide grants under subsection (d)(6)(B).”.

## 16 **Subtitle B—Ocean and Coastal** 17 **Observation System**

### 18 **SEC. 611. DEFINITIONS.**

19 In this Act:

20 (1) COUNCIL.—The term “Council” means the  
 21 National Ocean Research Leadership Council.

22 (2) GREAT LAKE.—The term “Great Lake”  
 23 means—

24 (A) Lake Erie;

1 (B) Lake Huron (including Lake Saint  
2 Clair);

3 (C) Lake Michigan;

4 (D) Lake Ontario;

5 (E) Lake Superior; and

6 (F) the connecting channels of those  
7 Lakes, including—

8 (i) the Saint Marys River;

9 (ii) the Saint Clair River;

10 (iii) the Detroit River;

11 (iv) the Niagara River; and

12 (v) the Saint Lawrence River to the  
13 Canadian border.

14 (3) OBSERVING SYSTEM.—The term “observing  
15 system” means the integrated coastal, ocean, and  
16 Great Lakes observing system to be established by  
17 the Committee under section 612(a).

18 (4) INTERAGENCY PROGRAM OFFICE.—The  
19 term “interagency program office” means the office  
20 established under section 612(d).

21 **SEC. 612. INTEGRATED OCEAN AND COASTAL OBSERVING**  
22 **SYSTEM.**

23 (a) ESTABLISHMENT.—

24 (1) IN GENERAL.—The President, acting  
25 through the Council, shall establish and maintain an

1 integrated system of ocean and coastal observations,  
2 data communication and management, analysis,  
3 modeling, research, education, and outreach de-  
4 signed to provide data and information for the time-  
5 ly detection and prediction of changes occurring in  
6 the ocean, coastal, and Great Lakes environment  
7 that impact the social, economic, and ecological sys-  
8 tems of the United States.

9 (2) PURPOSES.—The observing system shall  
10 provide for long-term, continuous, and quality-con-  
11 trolled observations of the coasts, oceans, and Great  
12 Lakes so as to—

13 (A) improve the health of the coasts,  
14 oceans, and Great Lakes of the United States;

15 (B) protect human lives and livelihoods  
16 from hazards, including tsunamis, hurricanes,  
17 coastal erosion, and fluctuating Great Lakes  
18 water levels;

19 (C) understand the effects of human activi-  
20 ties and natural variability on the state of the  
21 coasts, oceans, and Great Lakes and the socio-  
22 economic well-being of the United States;

23 (D) provide for the sustainable use, protec-  
24 tion, and enjoyment of ocean, coastal, and  
25 Great Lakes resources;

1 (E) provide information that can support  
 2 the eventual implementation and refinement of  
 3 ecosystem-based management;

4 (F) supply critical information to marine-  
 5 related businesses, including aquaculture and  
 6 fisheries; and

7 (G) support research and development to—

8 (i) ensure continuous improvement to  
 9 ocean, coastal, and Great Lakes observa-  
 10 tion measurements; and

11 (ii) enhance understanding of the  
 12 ocean, coastal, and Great Lakes resources  
 13 of the United States.

14 (b) SYSTEM ELEMENTS.—To carry out the purposes  
 15 of this subtitle, the observing system shall consist of—

16 (1) a national program to fulfill national obser-  
 17 vation priorities, including the ocean contribution of  
 18 the United States to the Global Earth Observation  
 19 System of Systems and the Global Ocean Observing  
 20 System;

21 (2) a network of regional associations to man-  
 22 age the regional ocean and coastal observing and in-  
 23 formation programs that collect, measure, and dis-  
 24 seminate data and information products to meet re-  
 25 gional needs;

1           (3) a data management and dissemination sys-  
2       tem for the timely integration and dissemination of  
3       data and information products from the national  
4       and regional systems;

5           (4) a research and development program con-  
6       ducted under the guidance of the Council; and

7           (5) an outreach, education, and training pro-  
8       gram that augments existing programs, including  
9       the National Sea Grant College Program, the Cen-  
10      ters for Ocean Sciences Education Excellence pro-  
11      gram, and the National Estuarine Research Reserve  
12      System, to ensure the use of the data and informa-  
13      tion for—

14           (A) improving public education and aware-  
15      ness of the oceans of the United States; and

16           (B) building the technical expertise re-  
17      quired to operate and improve the observing  
18      system.

19       (c) COUNCIL FUNCTIONS.—In carrying out this sec-  
20      tion, the Council shall—

21           (1) serve as the oversight body for the design  
22      and implementation of all aspects of the observing  
23      system;

24           (2) adopt plans, budgets, and standards that  
25      are developed and maintained by the interagency

1 program office in consultation with the regional as-  
2 sociations;

3 (3) coordinate the observing system with other  
4 earth observing activities, including the Global  
5 Ocean Observing System and the Global Earth Ob-  
6 serving System of Systems;

7 (4) coordinate and administer programs of re-  
8 search, development, education, and outreach to—

9 (A) support improvements to, and the op-  
10 eration of, an integrated ocean and coastal ob-  
11 serving system; and

12 (B) advance the understanding of the  
13 oceans;

14 (5) establish pilot projects to develop technology  
15 and methods for advancing the development of the  
16 observing system;

17 (6) provide, as appropriate, support for and  
18 representation on United States delegations to inter-  
19 national meetings on ocean and coastal observing  
20 programs; and

21 (7) in consultation with the Secretary of State,  
22 coordinate relevant Federal activities with those of  
23 other nations.

24 (d) INTERAGENCY PROGRAM OFFICE.—



1           (1) IN GENERAL.—The Council shall establish  
2           an interagency program office to be known as “Oce-  
3           anUS”.

4           (2) RESPONSIBILITIES.—The interagency pro-  
5           gram office shall be responsible for program plan-  
6           ning and coordination of the observing system.

7           (3) REQUIREMENTS.—The interagency program  
8           office shall—

9                   (A) prepare annual and long-term plans  
10                  for consideration by the Council for the design  
11                  and implementation of the observing system  
12                  that promote collaboration among Federal  
13                  agencies and regional associations in developing  
14                  the global and national observing systems, in-  
15                  cluding identification and refinement of a core  
16                  set of variables to be measured by all systems;

17                   (B) coordinate the development of agency  
18                  priorities and budgets for implementation of the  
19                  observing system, including budgets for the re-  
20                  gional associations;

21                   (C) establish and refine standards and pro-  
22                  tocols for data management and communica-  
23                  tions, including quality standards, in consulta-  
24                  tion with participating Federal agencies and re-  
25                  gional associations;

1 (D) develop a process for the certification  
 2 and periodic review and recertification of the re-  
 3 gional associations;

4 (E) establish an external technical com-  
 5 mittee to provide biennial review of the observ-  
 6 ing system; and

7 (F) provide for opportunities to partner or  
 8 contract with private sector companies in de-  
 9 ploying ocean observation system elements.

10 (e) LEAD FEDERAL AGENCY.—

11 (1) IN GENERAL.—The National Oceanic and  
 12 Atmospheric Administration shall be the lead Fed-  
 13 eral agency for implementation and operation of the  
 14 observing system.

15 (2) REQUIREMENTS.—Based on the plans pre-  
 16 pared by the interagency program office and adopted  
 17 by the Council, the Administrator of the National  
 18 Oceanic and Atmospheric Administration shall—

19 (A) coordinate implementation, operation,  
 20 and improvement of the observing system;

21 (B) establish efficient and effective admin-  
 22 istrative procedures for allocation of funds  
 23 among Federal agencies and regional associa-  
 24 tions in a timely manner and according to the  
 25 budget adopted by the Council;

1 (C) implement and maintain appropriate  
2 elements of the observing system;

3 (D) provide for the migration of scientific  
4 and technological advances from research and  
5 development to operational deployment;

6 (E) integrate and extend existing programs  
7 and pilot projects into the operational observa-  
8 tion system;

9 (F) certify regional associations that meet  
10 the requirements of subsection (f); and

11 (G) integrate the capabilities of the Na-  
12 tional Coastal Data Development Center and  
13 the Coastal Services Center of the National  
14 Oceanic and Atmospheric Administration, and  
15 other appropriate centers, into the observing  
16 system to assimilate, manage, disseminate, and  
17 archive data from regional observation systems  
18 and other observation systems.

19 (f) REGIONAL ASSOCIATIONS OF OCEAN AND COAST-  
20 AL OBSERVING SYSTEMS.—

21 (1) IN GENERAL.—The Administrator of the  
22 National Oceanic and Atmospheric Administration  
23 may certify 1 or more regional associations to be re-  
24 sponsible for the development and operation of re-  
25 gional ocean and coastal observing systems to meet

1 the information needs of user groups in the region  
2 while adhering to national standards.

3 (2) REQUIREMENTS.—To be certifiable by the  
4 Administrator, a regional association shall—

5 (A) demonstrate an organizational struc-  
6 ture capable of supporting and integrating all  
7 aspects of ocean and coastal observing and in-  
8 formation programs within a region;

9 (B) operate under a strategic operations  
10 and business plan that details the operation and  
11 support of regional ocean and coastal observing  
12 systems in accordance with the standards estab-  
13 lished by the Council;

14 (C) provide information products for mul-  
15 tiple users in the region;

16 (D) work with governmental entities and  
17 programs at all levels within the region to pro-  
18 vide timely warnings and outreach to protect  
19 the public; and

20 (E) meet certification standards developed  
21 by the interagency program office in conjunc-  
22 tion with the regional associations and approved  
23 by the Council.

24 (g) PROHIBITION ON LOBBYING.—Nothing in this  
25 Act authorizes a regional association to engage in lobbying

1 activities (as defined in section 3 of the Lobbying Dislo-  
 2 sure Act of 1995 (2 U.S.C. 1602)).

3 (h) CIVIL LIABILITY.—For purposes of section  
 4 1346(b)(1) and chapter 171 of title 28, United States  
 5 Code, the Suits in Admiralty Act (46 U.S.C. App. 741  
 6 et seq.), and the Public Vessels Act (46 U.S.C. App. 781  
 7 et seq.)—

8 (1) any regional ocean and coastal observing  
 9 system that is a designated part of a regional asso-  
 10 ciation certified under this section shall, in carrying  
 11 out the purposes of this Act, be considered to be  
 12 part of the National Oceanic and Atmospheric Ad-  
 13 ministration; and

14 (2) any employee of that system, while acting  
 15 within the scope of the employment of the employee,  
 16 carrying out those purposes, shall be considered to  
 17 be an employee of the Government.

18 **SEC. 613. RESEARCH, DEVELOPMENT, AND EDUCATION.**

19 The Council shall establish programs for research,  
 20 development, education, and outreach for the ocean and  
 21 coastal observing system, including projects under the Na-  
 22 tional Oceanographic Partnership Program, consisting  
 23 of—

24 (1) basic research to advance knowledge of  
 25 ocean and coastal systems and ensure continued im-

1       provement of operational products, including related  
2       infrastructure and observing technology;

3           (2) focused research projects to improve under-  
4       standing of the relationship between the coasts and  
5       oceans and human activities;

6           (3) large-scale computing resources and re-  
7       search to advance modeling of ocean and coastal  
8       processes; and

9           (4) a coordinated effort to build public edu-  
10      cation and awareness of the ocean and coastal envi-  
11      ronment and functions that integrates ongoing ac-  
12      tivities, including the National Sea Grant College  
13      Program, the Centers for Ocean Sciences Education  
14      Excellence, and the National Estuarine Research  
15      Reserve System.

16 **SEC. 614. INTERAGENCY FINANCING.**

17       (a) IN GENERAL.—The departments and agencies  
18      represented on the Council may participate in interagency  
19      financing and share, transfer, receive, obligate, and ex-  
20      pend funds appropriated to any member of the Council  
21      to carry out any administrative or programmatic project  
22      or activity under this Act or under the National Oceano-  
23      graphic Partnership Program, including support for the  
24      interagency program office, a common infrastructure, and

1 system integration for a ocean and coastal observing sys-  
2 tem.

3 (b) TRANSFER OF FUNDS.—Funds may be trans-  
4 ferred among the departments and agencies described in  
5 subsection (a) through an appropriate instrument that  
6 specifies the goods, services, or space being acquired from  
7 another Council member and the costs of the same.

8 **SEC. 615. APPLICATION WITH OUTER CONTINENTAL SHELF**  
9 **LANDS ACT.**

10 Nothing in this Act supersedes, or limits the author-  
11 ity of the Secretary of the Interior under, the Outer Conti-  
12 nental Shelf Lands Act (43 U.S.C. 1331 et seq.).

13 **SEC. 616. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to be appro-  
15 priated to the National Oceanic and Atmospheric Adminis-  
16 tration to carry out the observing system under section  
17 612 and the research and development program under sec-  
18 tion 613 (including financial assistance to the interagency  
19 program office, the regional associations for the implemen-  
20 tation of regional ocean and coastal observing systems,  
21 and the departments and agencies represented on the  
22 Council) \$150,000,000 for each of fiscal years 2007  
23 through 2011, to remain available until expended.

24 (b) ALLOCATION OF FUNDS.—At least 50 percent of  
25 the funds appropriated to carry out the observing system

1 under section 612 shall be allocated to the regional asso-  
 2 ciations certified under section 612(f) to carry out regional  
 3 ocean and coastal observing systems.

4 **SEC. 617. REPORTING REQUIREMENT.**

5 (a) IN GENERAL.—Not later than March 31, 2010,  
 6 the President, acting through the Council, shall submit to  
 7 Congress a report on the programs established under sec-  
 8 tions 612 and 613.

9 (b) REQUIREMENTS.—The report shall include—

10 (1) a description of activities carried out under  
 11 the programs;

12 (2) an evaluation of the effectiveness of the pro-  
 13 grams; and

14 (3) recommendations concerning reauthoriza-  
 15 tion of the programs and funding levels for the pro-  
 16 grams in succeeding fiscal years.

17 **Subtitle C—Great Lakes Water**  
 18 **Quality Indicators and Monitoring**

19 **SEC. 621. GREAT LAKES WATER QUALITY INDICATORS AND**  
 20 **MONITORING.**

21 Section 118(c)(1) of the Federal Water Pollution  
 22 Control Act (33 U.S.C. 1268(c)(1)) is amended by strik-  
 23 ing subparagraph (B) and inserting the following:

24 “(B)(i) not later than 2 years after the  
 25 date of enactment of this clause, in cooperation



1 with Canada and appropriate Federal agencies  
2 (including the United States Geological Survey,  
3 the National Oceanic and Atmospheric Admin-  
4 istration, and the United States Fish and Wild-  
5 life Service), develop and implement a set of  
6 science-based indicators of water quality and re-  
7 lated environmental factors in the Great Lakes,  
8 including, at a minimum, measures of toxic pol-  
9 lutants that have accumulated in the Great  
10 Lakes for a substantial period of time, as deter-  
11 mined by the Program Office;

12 “(ii) not later than 4 years after the date  
13 of enactment of this clause—

14 “(I) establish a Federal network for  
15 the regular monitoring of, and collection of  
16 data throughout, the Great Lakes basin  
17 with respect to the indicators described in  
18 clause (i); and

19 “(II) collect an initial set of bench-  
20 mark data from the network; and

21 “(iii) not later than 2 years after the date  
22 of collection of the data described in clause  
23 (ii)(II), and biennially thereafter, in addition to  
24 the report required under paragraph (10), sub-

mit to Congress, and make available to the public, a report that—

“(I) describes the water quality and related environmental factors of the Great Lakes (including any changes in those factors), including a description of ways in which the factors relate to restoration priorities provided by the Great Lakes Regional Collaboration Executive Committee, as determined through the regular monitoring of indicators under clause (ii)(I) for the period covered by the report; and

“(II) identifies any emerging problems in the water quality or related environmental factors of the Great Lakes;”.

## **TITLE VII—SUSTAINABLE DEVELOPMENT**

### **SEC. 701. WATERFRONT RESTORATION AND REMEDIATION PROJECTS.**

(a) DEFINITIONS.—In this section:

(1) RELATED AREA.—The term “related area” means land—

(A) located adjacent to, or in close proximity of, a waterfront area; and

1 (B) that impacts or influences a waterfront  
 2 area or an aquatic habitat.

3 (2) SECRETARY.—The term “Secretary” means  
 4 the Secretary of Commerce, acting through the  
 5 Under Secretary for Oceans and Atmosphere.

6 (3) WATERFRONT AREA.—The term “water-  
 7 front area” means a site located adjacent to a lake,  
 8 river, stream, wetland, or floodplain of the United  
 9 States.

10 (b) APPLICATION.—An individual or entity that seeks  
 11 to receive assistance under this section shall submit to the  
 12 Secretary an application for the assistance in such form,  
 13 by such time, and containing such information as the Sec-  
 14 retary may require.

15 (c) JUSTIFICATION AND PURPOSE.—

16 (1) JUSTIFICATION.—The Secretary may pro-  
 17 vide assistance to eligible recipients in financing a  
 18 restoration or remediation project only if the Sec-  
 19 retary finds that the proposed project addresses con-  
 20 cerns relating to—

21 (A) public health;

22 (B) public safety;

23 (C) environmental improvements; or

24 (D) economic improvements.

1           (2) PURPOSE.—An eligible recipient of assist-  
2           ance may use assistance made available under this  
3           section to complete a restoration or remediation  
4           project for the purpose of—

5                   (A) improving the surrounding ecosystem;  
6                   or

7                   (B) preparing land for redevelopment by  
8           Federal, State, or local agencies, or private en-  
9           tities.

10       (d) COST SHARING.—

11           (1) GENERAL ASSISTANCE.—

12                   (A) IN GENERAL.—Except as otherwise  
13           provided in this subsection, the Federal share of  
14           the cost of carrying out a restoration or remedi-  
15           ation project under this section shall not exceed  
16           65 percent, as determined by the Secretary.

17                   (B) INNOVATIVE TECHNOLOGY.—The Fed-  
18           eral share of the cost of carrying out a restora-  
19           tion or remediation project under this section  
20           that involves conducting a pilot project to test  
21           a demonstration or innovative technology shall  
22           not exceed 85 percent, as determined by the  
23           Secretary.

24           (2) OPERATION AND MAINTENANCE.—The non-  
25           Federal share of operation and maintenance costs

1 for a restoration or remediation project under this  
2 section shall be 100 percent.

3 (3) CREDIT FOR WORK-IN-KIND CONSIDER-  
4 ATIONS.—In determining the amount of a contribu-  
5 tion made by a non-Federal interest under this sec-  
6 tion, the non-Federal interest shall receive credit  
7 equal to 100 percent of the value of any land, ease-  
8 ments, rights-of-way, and relocations, and the rea-  
9 sonable cost of services, studies, and supplies, con-  
10 tributed toward the non-Federal share of project  
11 costs.

12 (4) LIABILITY OF FEDERAL GOVERNMENT.—  
13 The eligible recipient shall hold the United States  
14 harmless from any claim or damage that may arise  
15 from carrying out the restoration or remediation  
16 project under this section, except any claim or dam-  
17 age that may arise from the negligence of the Fed-  
18 eral Government or a contractor of the Federal Gov-  
19 ernment.

20 (e) FUNDING LIMITATION PER PROJECT.—Of the  
21 funds provided under this section, not more than  
22 \$5,000,000 may be allocated for an individual restoration  
23 or rehabilitation project.

1 **SEC. 702. AUTHORITY OF SECRETARY TO RESTORE AND RE-**  
2 **MEDIATE WATERFRONT AND RELATED**  
3 **AREAS.**

4 The Secretary, in consultation with appropriate Fed-  
5 eral, State, and local agencies, is authorized to restore and  
6 remediate waterfront and related areas, including site  
7 characterization, planning, design, construction, and mon-  
8 itoring.

9 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to the Sec-  
11 retary to carry out this title \$50,000,000 for fiscal year  
12 2007 and each subsequent fiscal year.

13 **TITLE VIII—COORDINATION AND**  
14 **OVERSIGHT**

15 **SEC. 801. DEFINITIONS.**

16 In this title:

17 (1) **COLLABORATION.**—The term “Collabora-  
18 tion” means the Great Lakes Regional Collaboration  
19 established by section 804(a).

20 (2) **EXECUTIVE COMMITTEE.**—The term “Exec-  
21 utive Committee” means the Great Lakes Regional  
22 Collaboration Executive Committee established by  
23 section 803(a).

24 (3) **EXECUTIVE ORDER.**—The term “Executive  
25 Order” means Executive Order 13340 (33 U.S.C.  
26 1268 note; relating to establishment of Great Lakes

1 Interagency Task Force and promotion of regional  
2 collaboration of national significance for Great  
3 Lakes).

4 (4) GREAT LAKE.—The term “Great Lake”  
5 means—

6 (A) Lake Erie;

7 (B) Lake Huron (including Lake Saint  
8 Clair);

9 (C) Lake Michigan;

10 (D) Lake Ontario;

11 (E) Lake Superior; and

12 (F) the connecting channels of those  
13 Lakes, including—

14 (i) the Saint Marys River;

15 (ii) the Saint Clair River;

16 (iii) the Detroit River;

17 (iv) the Niagara River; and

18 (v) the Saint Lawrence River to the  
19 Canadian border.

20 (5) GREAT LAKES CITY.—The term “Great  
21 Lakes city” means a city located in the watershed  
22 basin of a Great Lake.

23 (6) GREAT LAKES TRIBE.—The term “Great  
24 Lakes Tribe” means any Indian tribe, band, village,  
25 nation, or other organized group or community in

1 the watershed basin of a Great Lake that is recog-  
 2 nized by the Bureau of Indian Affairs as eligible for  
 3 the special programs and services provided by the  
 4 United States to Indians because of their status as  
 5 Indians.

6 (7) SAINT LAWRENCE CITY.—The term “Saint  
 7 Lawrence city” means a city located in the water-  
 8 shed basin of the Saint Lawrence River.

9 (8) TASK FORCE.—The term “Task Force”  
 10 means the Great Lakes Interagency Task Force es-  
 11 tablished by section 802(a).

12 **SEC. 802. GREAT LAKES INTERAGENCY TASK FORCE.**

13 (a) INTERAGENCY COORDINATION.—The Great  
 14 Lakes Interagency Task Force, as established by the Ex-  
 15 ecutive Order for administrative purposes, is established  
 16 as a task force within the Environmental Protection Agen-  
 17 cy.

18 (b) DUTIES.—In addition to the duties described in  
 19 the Executive Order, the Task Force shall—

- 20 (1) ensure that implementation of programs  
 21 and projects under the authority of Task Force  
 22 members is coordinated, effective, and cost-efficient;
- 23 (2) work in cooperation with Federal agencies  
 24 on the development of budgets and financial plans  
 25 regarding the Great Lakes for inclusion in annual



1       submissions by the President to Congress of the  
2       budget of the United States; and

3           (3) submit to Congress a biennial report that  
4       describes the projects and activities carried out by  
5       the Collaboration during the 2-year period covered  
6       by the report, including a description of—

7           (A) any actions that Federal agencies can  
8       take to address the biennial restoration goals;

9           (B) Federal expenditures to meet the res-  
10       toration goals and the amount of non-Federal  
11       funding leveraged by those Federal expendi-  
12       tures; and

13           (C) the indicators and monitoring used to  
14       determine whether the goals will be met.

15   **SEC. 803. EXECUTIVE COMMITTEE.**

16       (a) IN GENERAL.—There is established a Great  
17       Lakes Regional Collaboration Executive Committee.

18       (b) COMPOSITION.—The Executive Committee shall  
19       be composed of—

20           (1) the Chairperson of the Task Force;

21           (2) a representative of the Governors of the  
22       Great Lakes States, as agreed upon by the Gov-  
23       ernors;

1           (3) a representative of the Great Lakes cities  
2           and Saint Lawrence cities, as agreed upon by the  
3           majority of mayors of those cities; and

4           (4) a designated representative for the Great  
5           Lakes Tribes, as agreed upon by those Tribes.

6           (c) DUTIES.—The Executive Committee shall—

7           (1) hold semiannual public meetings to discuss  
8           Great Lakes restoration goals and progress;

9           (2) receive input and consider recommendations  
10          from interested parties, including nongovernmental  
11          organizations, industry, and academia, with respect  
12          to proposed recommendations of the Executive Com-  
13          mittee for restoration of the Great Lakes; and

14          (3) submit to Congress and the Task Force a  
15          biennial report that includes—

16                (A) an analysis of progress in—

17                   (i) carrying out restoration of the  
18                   Great Lakes; and

19                   (ii) meeting the goals and rec-  
20                   ommendations in the restoration and pro-  
21                   tection strategy developed by the Great  
22                   Lakes Regional Collaboration and under  
23                   this Act; and

24                (B) recommendations on future priorities  
25          and actions with respect to that restoration.

1 (d) SUBCOMMITTEES.—The members of the Execu-  
2 tive Committee may designate representatives to work as  
3 1 or more subcommittees to provide staff support and oth-  
4 erwise assist in carrying out responsibilities of the Execu-  
5 tive Committee relating to the Collaboration.

6 **SEC. 804. GREAT LAKES REGIONAL COLLABORATION.**

7 (a) IN GENERAL.—There is established the Great  
8 Lakes Regional Collaboration.

9 (b) COMPOSITION.—The Collaboration shall be com-  
10 posed of—

11 (1) the members of the Executive Committee;  
12 and

13 (2) each other individual and entity that noti-  
14 fies the Executive Committee, in writing, of the de-  
15 sire and intent of the individual or entity to partici-  
16 pate in the Collaboration.

17 (c) DUTIES.—The Collaboration shall—

18 (1) develop and maintain as current a restora-  
19 tion and protection strategy to provide information  
20 for use in future Great Lakes program implementa-  
21 tion and funding decisions;

22 (2) serve as a forum for addressing near-term  
23 regional issues relating to ecosystem restoration and  
24 protection of the Great Lakes; and

- 1           (3) establish an oversight forum to coordinate
- 2           and enhance implementation of Great Lakes pro-
- 3           grams.

